A zoology of swing voters

# Washington MONTHLY

# The Sudden Decline & Eventual Fall of the GOP

by Benjamin Wallace-Wells

ber 2004 $4.50

Iran-Contra II? • Bush's faith without works • Bill Buckley's art of revealing nothing • The myth of a "lawsuit crisis" • Arthur Schlesinger impersonates Michael Moore

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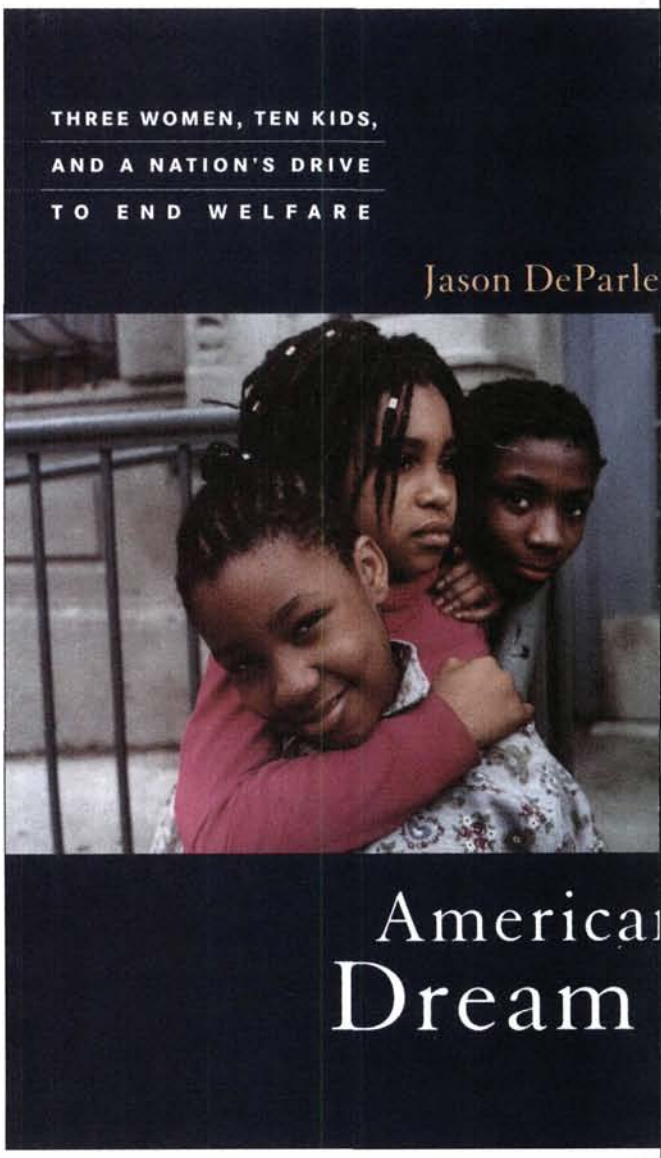


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Washington MONTHLY

Volume 36, No. 10
October 2004

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# Letters

## Page Turner

The Mouth from the South has roared ("My Beef With Big Media" by Ted Turner, July/August) and—this time, at least—deserves to be heard. Iconoclastic and plugged in as ever, Turner has zeroed in on one of the greatest threats to our individual liberties: the right to hear the truth. In a culture where profit is king and differing view points are discounted as irrelevant, even unpatriotic, it is becoming increasingly difficult to find all the facets to a story. I am reminded of the classic parable of the six blind men who attempted to define an elephant based on what body part they touched. Much the same picture is emerging today—only worse.

**David M. Fox**
Via email

I would like to commend you for publishing Turner's excellent article on big media. I have worked as an independent film producer for the last six years. Ted's article was right on the money concerning the difficulties faced by media entrepreneurs and independent producers like myself in this David versus Goliath media environment.

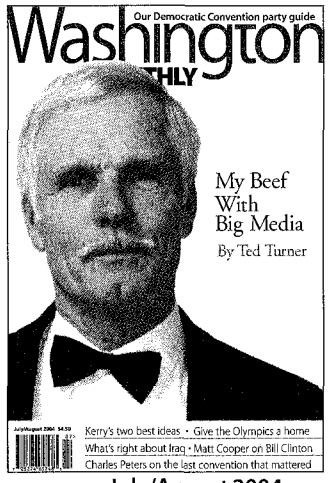
I hope that Ted's article will serve as a wake-up call to legislators and the public about the dangers of too much concentration in the media industry.

**Roderick Powell**
President, R.A.P. Filmworks, LLC
Via email

Turner is correct about the state of decline in the media business. The dearth of long-term creativeness is apparent, and he has helped explain the root cause. The early days of ESPN were the funniest thing ever, with the bad sets and the endless tractor pulls, but it was a chance by those who had a dream.

The big guys wait until these cable networks mature and then buy and ruin them. They enjoy the ad revenue but do not push the intellectual envelope. They would never do the original aspect on their own.

**Alan White**
Principle, Ideational Fluency
Phoenix, Ariz.



July/August 2004

Turner is a day late and a dollar short. Despite his claims of "independence," Turner helped create the problem he now sees. Indeed, by the time he sold Turner Broadcasting to Time-Warner, he also owned TNT, Turner Classic Movies, Cartoon Network, and at least 10 CNN subsidiaries, including CNN Airport Network, CNN Radio, CNNfn, and Sportsouth. And this does not include his ownership of Hanna-Barbera Cartoons, New Line Cinema, Castle Rock Entertainment, Turner Pictures, Turner Publishing, and at least a dozen other media-related companies.

**Ian Alterman**
New York, N.Y.

I rarely agree with Turner, but on this subject I do. Turner is right on the button with his analysis, and I think the government should consider some major changes in the FCC.

**Clarence Ebersole**
Via email

After reading Turner's article today, I would like to propose Ted Turner as head of the FCC under John Kerry's presidency.

**Phyllis J. Brown**
Via email

## Grading Teachers

"Hot for Teachers" (by Jonathan Schorr, July/August) highlighted the real importance a quality teacher can make in the school experience of a child. Making my ability to teach my students a part of what determines my pay has always sounded fine to me. But the idea seemed terrifying to many teachers, including those with years of experience. Teachers should be held accountable. Ultimately, though, it comes down to an individual teacher's willingness to work hard to be the teacher his or her students need. John Kerry is right. Any teacher unwilling or unable to do that should not be in a classroom.

**Nancy Hahn**
7th and 8th grade teacher
Via email

Once again, teaching has been reduced to raising test scores when it is so much more. I despair of simplistic answers to infinitely complex issues. Teaching is about helping students become caring, literate, imaginative citizens of the world.

Last year, I had a student who was still resentful of a former teacher who had received money because the class' test scores were high. My student wrote, "Why did she get the money? We did all the work." I would not accept a bonus because of acceptable test scores.

**Cecile McKnight**
Via email

## Five Rings to Rule Them All

I agree that we should keep the Olympics in the same location, or at least in a limited number of locations ("Movable Feat" by Christina Larson, July/August). Reducing the number of sites would make it more cost effective, so that it might actually be possible to turn a profit. Instead of building new Olympic complexes every two years in different locations, once the limited set of state-of-the-art



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facilities are built, they would just need to be maintained and possibly upgraded. Security would also be easier to manage.
**Brett Goodell**
Frederick, Md.

I enjoyed your article on the Olympics. As a lifetime sports fan, I sympathize with the argument (particularly your tennis analogy) that if the games were stationary, it would offer the chance for the planners to perfect them. A further argument that you didn't mention was the historical joy that might be present when generations of athletes were performing on the same fields, pools, and mats.

Who wouldn't shed a tear had Carly Patterson been vaulting on the very same vault as Mary Lou Retton, or Michael Phelps swimming in the same pool as Mark Spitz?

But I do think that the idea of a world community not only participating in but also hosting the games may trump the aforementioned arguments. I only wish we would work harder to bring the Olympics to places like Africa and South America.
**William Geisler**
Via email

## Energy To Be Free

Jaffe's facts on ethanol are plain wrong. Most American vehicles are not equipped to use E85 fuel. They are equipped to burn E10, which is 10 percent ethanol and 90 percent unleaded. All auto manufacturers now approve of the use of E10 fuels in their vehicles. There are fewer number of "flex-fuel" vehicles manufactured that have the ability to burn up to 85 percent ethanol. These vehicles can use any unleaded fuel from 0 to 85 percent (E85) fuel ethanol.

If E85 costs at least $2.20 per gallon, as Jaffe states, why then is it being sold to the consumer at prices as low as 85 cents per gallon? In general, you will find that E85 is priced at or below (in many cases) the price of regular unleaded at the fuel pump.

The primary reason for Jaffe's incorrect facts may be that he was misinformed by one of his sources. Cornell agricultural economist David Pimentel has been proven wrong again and again by the ethanol industry as well as new government studies. Misinformation is the problem that the ethanol industry faces. You are perpetuating the same myths that cause some to dismiss ethanol as a non-viable alternative to our dependence on foreign oil.
**Chuck Bartenhagen**
Via email

*Sam Jaffe responds: Using ethanol for fuel takes advantage of one of the least efficient methods of harnessing the sun's energy: photosynthesis. Only about 1 percent of the sunlight that falls on a plant is turned into energy. Current photovoltaic technology has efficiencies of as much as 25 percent. Nevertheless, energy crops use one of America's cheapest natural resources: abundant land. The main thrust of the story was that cellulosic ethanol is a workable technology that can compete with fossil fuels now, not sometime in the future.*

*Mr. Bertenhagen is correct that I made an error in saying that most American vehicles run on E85. In fact, the number is closer to 25 percent. A bill is currently before Congress to require all new vehicles to be E85 ready by 2006, and so far it has broad bipartisan support. As for David Pimentel, he is a very well respected agricultural economist who has long been a thorn in the side of the ethanol lobby. The fact that he, one of corn ethanol's harshest critics, is a believer in the future of cellulosic ethanol says more than anything I could write about the viability of this technology.*


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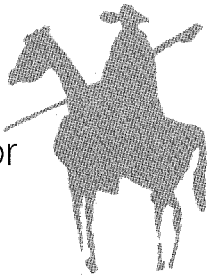
# Tilting at **Windmills**

by **Charles Peters**, founding editor



## Definitely not George Bush

Who's in charge of national security? A photo in a recent article in *Newsweek* about the August threat to financial institutions shows Frances Townsend, the White House's terrorism advisor, earnestly examining a document on her desk. Looking over her shoulder is not Condoleezza Rice or Tom Ridge, but Karl Rove.

## New Bush lies

Bush's acceptance speech was loaded with the kind of lies for which he has become infamous. A couple of examples. He said that health decisions should be made by patients and doctors, "not by bureaucrats in Washington," falsely implying that the Washington bureaucrat is the problem instead of the real culprits in the HMOs and health-insurance companies. But the one I like the most is when he talked about the threat that lawyers pose to "small businesses." The line won loud applause, but, if you've ever run a small business, as I did here for 32 years, you know that your smallness is a lovely deterrent to the litigious. Whenever we were threatened with a suit, I would mention our modest bank balance to the lawyer involved. That was usually the last we heard from him.

## The meaning of 35

One thing the rest of the country thinks it knows about West Virginia is that its politics are corrupt. Actually, they're not as corrupt as outsiders think; most precincts are clean. Alas, however, there continues to be evidence to support the conventional view. And nowhere is the evidence more evident than in Logan County. According to a recent report by the *Charleston Gazette*'s Chris Wetterich, "Logan lawyer Mark O. Hrutkay paid more than $10,000 to Logan County Sheriff Johnny 'Big John' Menendez, in order to buy votes for his wife, delegate Lidella Wilson-Hrutkay." The *Gazette*'s story reveals that, in addition to the sheriff, Logan police chief Alvin R. "Chipper" Porter Jr. was also charged with paying off voters.

Ten thousand dollars for a seat in the legislature represents a considerable inflation since my time back home, as is illustrated by my favorite Logan County story, which I assure you is not apocryphal. It seems that the Logan County boss was asked by a Kennedy operative how much money he needed to make sure that Kennedy would win the favor of the local electorate in the 1960 primary. The boss answered "35," by which he meant thirty-five hundred dollars. The Kennedy operative, however, was from out of state, and unschooled in the fiscal standards of Logan County politics. He soon returned carrying a briefcase packed with thirty-five thousand dollars. The boss, managing to conceal his astonishment, chose not to clarify the misunderstanding.

## The right word

Ralph Nader recently objected to being called a "spoiler," according to *The New York Times*. He said spoiler is a "contemptuous" word. That's right, pal.

## JFKs in the clutch

For all of you who are disturbed by the success of Bush's lies and the ineptitude of the Kerry campaign in dealing with them, take heart from Kerry's ability to come through in the clutch. We saw it in Iowa, and again in the other primaries that clinched the nomination. We saw it again at the Democratic convention where he gave his best speech ever.

In the 1960 West Virginia primary, Kennedy was so far behind that even that "35" in Logan County wasn't going to produce a statewide victory. To achieve that, Kennedy needed to reach the voters who couldn't be bought. In the last two weeks of the campaign, he rose to the challenge, making his best speeches, even beating Hubert Humphrey in a debate when Humphrey was widely considered the party's ablest and most articulate debater. If Kerry can come through in the same way and win at least two of the three debates, I think he'll be elected.

My friend Mickey Kaus dismisses Kerry's potential for coming through in the clutch by saying that he's only done it in a general election in the largely Democratic state of Massachusetts. But, Mickey, the same could have been said of Jack Kennedy in 1960.

## The Dixie Chick vote

My son Christian teaches social studies in a public high school in San Bernardino, Calif. The school's population is divided into thirds of black, white, and Hispanic, and tends toward the lower half of the economic scale. This summer, he polled his world history class for political preferences after Kerry's convention speech.

The response: "White males and third-generation Hispanic males were uniformly Republican. Blacks and first- and second-generation Hispanics were uniformly Democratic. The only swing group is white girls. Half lean Republican and half Democratic, and several keep changing their minds."



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Chris's personal observation is that this kind of split among females extends up to the age of 35. Among the older, 25-35, California members of this group with whom he is acquainted, he sees a ray of hope. Their favorite musical group is the Dixie Chicks, whose leader said George W. Bush made her "ashamed to be from Texas."

More significantly for Kerry, Chris believes, is what he can learn from the themes of the group's songs: "the desire for decent jobs, the desire to care for their kids adequately, and the wish that men would believe in them." Chris thinks Kerry can appeal to them by offering "down-to-earth, practical solutions to day-to-day problems."

### But you don't want to marry your dad

This fits the advice Kerry is getting, to concentrate on domestic issues. I wish I thought it was that easy, but I don't. I'm afraid Kerry can't win as long as the voters think Bush will be better on national security issues. A recent article about the "persuadable" voters by the AP's Ron Fournier cites one fence-sitter: "As far as Kerry stepping up to a tricky foreign policy situation right now, I'm not sure he'd be quite ready."

Chris quotes one of his undecided girls, not directly on the issue of foreign policy, but on the overall feeling of security she needs to have:

"The Democrats seem kind of like boyfriends. They promise these great things and get you excited, but you never know if they really mean it. The Republicans are more like Dads. They're all judgmental, and you don't feel like they really understand. But on the other hand, you know they're not going to change, and they're always going to be there."

### Staying the wrong course

The case Kerry has to make is that you don't want them to always be there if they're almost always wrong. The latest example of error comes from Sen. Bob Graham's new book, *Intelligence Matters*, which, *Knight-Ridder* reports, reveals that on Feb. 19, 2002, "just four months after the invasion of Afghanistan," Gen. Tommy Franks told Graham "that important resources—including the Predator drone aircraft crucial to the search for Osama bin Laden and al Qaeda leaders—were being shifted to prepare for the war against Iraq." In other words, more than a year before that war actually started, the war against those responsible for 9/11 was being sacrificed to Bush's obsession with Iraq. For more on this tragic error, see "Bush's Lost Year" by James Fallows in this month's *Atlantic*.

### Rearranging deck chairs

Michael F. Scheuer, the "anonymous" who wrote the bestselling *Imperial Hubris*, also wrote a letter to the 9/11 Commission that supports the position taken here last month that the commission failed to come to grips with the people problem at the CIA and other national-security agencies. He says the report "seems to deliberately ignore those who were directly culpable of negligence or dereliction.... By finding no one culpable, you will allow the mindset that got America to 9/11 to endure in whatever new security structure is established." In other words, you can reorganize and reorganize, but nothing will change until you change people, getting rid of the incompetent and the mediocre, and replacing them with talented and dedicated people with the right skills.

### The CIA's PR platoon

There was a little zinger in Scheuer's letter—for which, by the way, I am indebted to Eric Lichtblau of *The New York Times*—that will delight everyone who has seen similar behavior by the head of a government agency. George Tenet "starved...the bin Laden unit of officers," writes Scheuer, "while finding plenty of officers to staff his personal public relations office as well as the staffs that handled diversity, multiculturalism and the employee newsletter." Agencies that regularly complain that Congress has not given them enough money to put essential staff in the field always seem to find the funds to support a platoon of public relations

## FLIGHTS OF FANCY

"The government measures air marshal protection by the number of flights they take, as opposed to the number of miles they fly, so marshals often fly two or three legs a day, rather than long-haul flights..." But how much difference do they make if most of their flights are from Little Rock to Knoxville? In case you've forgotten, all of the flights used by the 9/11 hijackers were for long distances, chosen because they had large loads of fuel that made them into better flying bombs.



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experts and to staff all kinds of non-essential headquarters functions.

### Winning that "#1 Boss" mug

Back to the government's people problem for a moment. A recent study by Earl Devaney, the Department of Interior's Inspector General, shows that 20 percent of Interior employees do not report misconduct by colleagues because "nothing will be done by my supervisor." That they know what they're talking about is confirmed by the study's finding: that 64 percent of supervisors, according to Stephen Barr's account of the report in *The Washington Post*, "admit that they have not taken disciplinary action when warranted."

The fear I mentioned in our last issue, that if you point out a colleague's failings, he may not hesitate to call attention to yours, is also confirmed by the Interior study: 28 percent of the employees said they did not report misconduct for fear of retaliation.

### Dress code red

On July 17, *The New York Times* ran an interesting story about how air marshals are required to follow a rigid dress code that demands a coat and tie at all times. This could make sense on flights largely filled with businesspeople. Suppose, however, the plane is going from Hawaii to the mainland United States and is crowded with people wearing those open-necked Hawaiian shirts. Indeed, travelers have learned to dress comfortably for all long distance flights. Even on short hauls, especially during the summer and on weekends, the tie-wearers can stand out. And if the marshals can be identified, terrorists know which planes not to hijack.

I was struck by the *Times* story because I had read its practically identical twin in *The Washington Times* of July 9. Unfortunately, the New York paper failed to acknowledge the original, written by Audrey Hudson. In August, Hudson wrote another story about marshals, reporting that they are on less than 5 percent of daily U.S. flights. I'm waiting for *The New York Times'* version to appear. Only this time I hope they give Hudson the credit she deserves.

**Karl Rove has said that Kerry's anti-Vietnam War statements "tarnished" all veterans of the war. It's nice of Rove to be there for the veterans now. But some may wonder why he wasn't there in Vietnam when they were being shot at.**

### Frequent flyers

Hudson's latest captures the kind of revealing detail from the culture of bureaucracy that most journalists miss: "The government measures air marshal protection by the number of flights they take, as opposed to the number of miles they fly, so marshals often fly two or three legs a day, rather than long-haul flights."

Tom Ridge's Department of Homeland Security can thus claim, as it does, that its marshals "fly on tens of thousands of flights each month." But how much difference do they make, if most of these flights are from Little Rock to Knoxville? In case you've forgotten, all of the flights used by the 9/11 hijackers were for long distances, chosen because they had large loads of fuel that made them into better flying bombs.

### Is that a bomb in your suitcase?

If that isn't enough to make you nervous, consider that the kind of bombs apparently used for bringing down the Russian airliners in August—bombs that were strapped to the passengers or in their carry-on luggage—can not be detected by security procedures currently in place at all but a handful of U.S. airports, where special explosive detection devices are being tested. According to Alan Levin of *USA Today*, these are Tampa, San Diego, Providence, Rochester, and Biloxi—just the kind of airports that are already awash with U.S. marshals boarding their short-haul flights.

### Culture of abuse

Back to Logan County for a moment. A recent article on workers' compensation claims for public school employees by Josh Hafenbrack of the *Charleston Daily Mail* shows that, while the average county paid out $1.35 for every $100 in payroll, the figure for Logan County is $3.47. "There is a culture of abuse in some counties," explains Greg Burton, the executive director of West Virginia's Workman's Compensation Commission. "You will find households with multiple people on worker's comp. It's a way of life in some counties."

### Home sick

The municipal government of Washington, D.C., has a culture with striking similarities to Logan County's. Recently I saw a *Washington Post* article about the murder of a waiter from a local restaurant, Annie's Paramount. I read it with interest because Annie's has long been favored by *Monthly* employees for its reasonable prices and friendly atmosphere. The article, in explaining the lack of police protection in the neighborhood, quoted an official as saying one factor was that so many policemen were on sick leave. How many, I wondered? Was it disproportionate, a la Logan County, to the number of



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employees on sick leave from comparable organizations?

My assistant, Soyoung Ho, called the police department to inquire. First they said they weren't sure they had the figures. Then they said our request had to be submitted in writing, and referred to their legal department. We wrote the letter but haven't received a reply. But why did we have to write? And what on earth did the legal department have to do with the matter? It's not as if we're asking for names.

## Fear and trembling in Coral Gables

I read a few weeks ago that the counties around Miami were complaining that the city was getting the lion's share of the area's homeland security money. Why shouldn't it? It's obviously a much more likely target than Coral Gables, or any of the other surrounding communities.

Another story about another obvious target describes how a tenant of the Empire State Building is suing its owners to get them to provide better security. This made me wonder if the security of the most conspicuous target in New York City should be left up to the owners of the building. Usually, I would be against giving public money to help a private institution, but this is such a unique case that it seems clear an exception should be made. Yet a long story in *The New York Times* describing this incident did not even mention the possibility of public involvement.

## A responsible Republican

The media have done a terrible job of explaining Kerry's vote on the $87 billion appropriation to fund the war on Iraq, which has now become accepted as the prime example of Kerry's flip-flopping. Any fair-minded person who looks at the record will see that Kerry supported the appropriation if sufficient tax revenue was provided so that the war's cost would not add to the national debt. In 1944, this was the exact stand that Wendell Willkie, who had been the Republican presidential nominee in the previous election, took when he advocated even higher taxes than those proposed by President Roosevelt. And Roosevelt's proposals were not modest, providing for the highest level of taxes in American history. FDR even suggested limiting net income to $25,000 per year until the war ended. If a similar proposal had been on the table in 2003, does anyone think Bush and his buddies would have actually gotten us into a war that they would have had to pay for? And whatever happened to responsible Republicans like Wendell Willkie?

## Fallen hero

What ever happened to John McCain's outrage at the Swift Boat ads and at Bush's failure to condemn them? McCain now says "I'd like to see him go further. But I'm not making this some kind of big issue." Was McCain bought off by the prominent speaking slot he was given at the Republican National Convention? Or was he promised a major cabinet post when Powell or Rumsfeld retires? *The New Republic*'s Franklin Foer thinks it's because McCain still harbors presidential ambitions, for which he needs to burnish his regular Republican credentials.

I really have no idea what the reason is. But McCain's change of heart reminds me of the reaction of politicians to the threat of photos showing them accepting a satchel of cash, or occupying a bed with someone other than their spouse. The only time I can recall seeing a hero wilt before my eyes like this was when Martin Luther King emerged from J. Edgar Hoover's office after listen-

**The Washington Monthly's**

# Monthly Journalism Award

**Russ Buettner**

"Exposed: Scandals of double voters"

*New York Daily News*

August 21, 2004

The *Daily News* identified 46,000 people registered to vote in both New York and Florida—and found many that regularly vote in both states. Worse still, there is no interstate system to catch the double-voters.

The villains, who almost always mail absentee ballots to Florida while pulling the lever in Brooklyn or Queens, sound like second-tier Seinfeld characters from an episode about vengeful retirees: there's 84-year old Republican Norman Siegal, 91-year old Democrat Irving Hertz, and 59-year old GOP stalwart Joe Moschella.

Bush won Florida in 2000 by just 537 votes, so 46,000 illegal registrations matter. Still, despite bipartisan federal legislation designed to solve the voting problem, "there are no plans to match the registries across states."

The Monthly Journalism Award is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 520, Washington, DC 20005. Or email us at editors@washingtonmonthly.com.



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ing to wiretaps of his sexual adventures. Instead of denouncing Hoover, as he had been doing, King praised him.

## We condemn these excellent ads

The White House says that it does not endorse the Swift Boat ads. Yet, George H. W. Bush has called them "rather compelling," Laura Bush has said they're "not really unfair," and Karl Rove has said that Kerry's anti-Vietnam War statements depicted in one of the ads "tarnished" all veterans of the war. It's nice of Rove to be there for the veterans now. But some may wonder why he wasn't there in Vietnam when they were being shot at.

## Bush's tax hike

In his acceptance speech, Bush again emphasized his dedication to cutting taxes. Voters should know, however, that this has not always been the president's position. When he and his partners bought the Texas Rangers baseball club, they wanted a new stadium. They did not, however, want to pay for it. What was the solution? Have the local citizens pay for it, through an increase in the sales tax. Charles Lewis of the Center for Public Integrity tells the story of how they persuaded the voters to support the higher tax by threatening to move the Rangers to another city.

The ballclub now leases the stadium with lease payments counting towards a total price of $60 million, less than half of what it cost the taxpayers. With a deal like that in their pocket, Bush and the other owners saw the value of the team rise to a point that when it was sold Bush was paid $14.9 million for an investment that had cost him $606,302. The great tax cutter had enriched himself by getting taxes raised.

## Bush's backdoor draft

Another target for Kerry is the backdoor draft Bush has instituted with his stop-loss order compelling soldiers to stay in Iraq after their term of enlistment has expired. One soldier, reports Bob Egelko of the *San Francisco Chronicle*, has sued in federal court to block enforcement of the order. Its injustice is revealed by his record. He has already devoted nine years to the service of his country, four in the Marines and five in the Army. Kerry should make clear that this injustice is the responsibility of the Bush administration which went to war without enough troops to win the peace.

## The values con

Conservatives have conned the people they screw economically into voting Republican by using a smokescreen of "values" to conceal what they're really doing, argues Thomas Frank in his impressive new book *What Happened to Kansas?* To prove Frank's case, Arkansas' Republican governor Mike Huckabee arrived in West Virginia last month with this message, according to the *Charleston Gazette*:

"Church leaders and religious educators should push members of their organizations to vote in this election on a candidate's position on social issues, like gay marriage and abortion."

## Layering

One day when I was working in the government, I was chatting with a young woman who had recently left my division for another in which she headed one of the smaller units. During our conversation I was somewhat taken aback when she referred to "my deputy"—there were only three other people in her unit.

The problem this anecdote illustrates is called "layering"—and it's getting worse, according to Paul Light of New York University and Brookings, who is the leading academic authority on the federal bureaucracy. In 1960, the government had 17 layers. Today it has 58. My favorites are the titles authorized under the Assistant Secretary level. They are Chief of Staff to the Assistant Secretary, Deputy Chief of Staff to the Assistant Secretary, Principal Deputy Assistant Secretary, Associate Principal Deputy Assistant Secretary, Deputy Assistant Secretary, Chief of Staff to the Deputy Assistant Secretary, Principal Deputy Deputy Assistant Secretary, Deputy Deputy Assistant Secretary, Associate Deputy Assistant Secretary, Chief of Staff to the Associate Deputy Assistant Secretary, Deputy Associate Assistant Secretary, Assistant Deputy Assistant Secretary, Principal Associate Assistant Secretary, Associate Assistant Secretary, Chief of Staff to the Associate Assistant Secretary. Deputy Associate Assistant Secretary, Principal Assistant Assistant Secretary, and Assistant Assistant Secretary.

This kind of layering causes two problems. The people at the top don't know what's really happening in the field or can get away with pretending they don't—witness Abu Ghraib—because there are far too many levels of officialdom in between. And if there is one skill those in between are sure to have, it is to filter out enough bad news to avoid the usual consequences for the bearer and to endow those at the top with plausible deniability. The other problem, which is what happened at the CIA, is that if practically everyone is an administrator, or in some comfy headquarters job, there are not enough people to do the agency's real work in the field.



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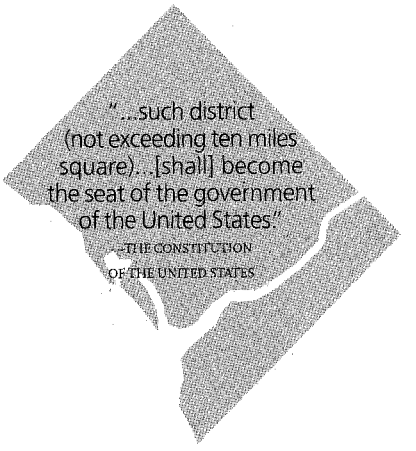
# 10 MILES SQUARE



## Junior League

The novice politico who's taking on Eleanor Holmes Norton.

**By Justin Peters**

As budding politicians go, Michael Monroe's main advantage is that he's got the look. The 25-year-old Republican candidate for Washington, D.C.'s congressional seat might not have the experience, or the money, or the ideas. But he's got the look: coiffed blonde hair, deep-set, earnest eyes, even a slight cleft to his chin. From head to toe, he looks like he was born to cut ribbons at grocery-store openings, to press the flesh at shopping malls and Kiwanis Club pancake breakfasts. It's almost enough to make you believe Monroe when he argues, very sincerely, that he's got a legitimate chance at knocking off Eleanor Holmes Norton, the District's non-voting, yet wildly popular, seven-term delegate to the U.S. Congress. "My plan will be clear and the end goals will be clear. She'll see that this isn't just some kid with his name on the ballot, this is a serious Republican contender," he implores, looking at me guilelessly. "People say it's crazy; it's impossible—but the only thing impossible would be not to try."

We're sitting at a table in the back of Chef Geoff's, a restaurant in downtown Washington which functions as the de facto campaign headquarters for Monroe's long-shot bid. It's 6:30 p.m., right before the dinner rush, and the clubby oaken-paneled restaurant is mostly empty, with pockets of early-bird elderly scattered around the dining room. Monroe has worked at Chef Geoff's on and off since graduating from James Madison University in 2001; he is currently the restaurant's marketing director. Chef Geoff himself is a Democrat, but Monroe assures me that he'll cross party lines come November—"He's a swing voter." Sitting around the table are some key Monroe supporters: high school friends Quincy Waldron and John Corrigan, D.C. Young Republicans representative Jenny Lee, and Ed Garrity, a mysterious young man in a three-piece suit who won't say what he does and who eyes me coolly when I am introduced as a journalist.

By and large, this appears to be the brain trust of the campaign, which at times feels more like an overly serious campaign for student council than an under-resourced race for congressional office. Of course, that's a hard feeling to shake when the candidate just turned 25 years old in August. Far from trying to hide this fact, though, Monroe trumpets his youth. "I think I'm the youngest congressional candidate in the nation," he notes proudly. On the other side of the table, Garrity shakes his head. "Florida," he states matter-of-factly. Apparently there's somebody younger than Monroe



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running for Congress in Florida. Monroe is taken aback. "Younger than being 25 this month?" Garrity nods sagely. "But they're not a major party candidate," he admits.

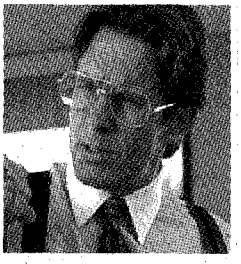
A little later, two older men enter and sit down. They are Rick Dykema, chief of staff for Rep. Dana Rohrabacher (R-Calif.), and former foreign service officer Lars Hydle, an intense man dressed entirely in khaki, as if he just came back from safari. Monroe introduces them and then gets back to his main point: the folly of one-party politics. "In business monopolies, people are held accountable with antitrust laws," he says. "But with political monopolies, people just keep on getting elected and doing nothing." He pauses for a moment. "If I wasn't running myself, she would have already won."

She, of course, is Norton, whose résumé—decorated scholar, crusading attorney, tireless activist, esteemed member of Washington's black elite—is considerably longer than that of her young challenger. Norton has held office for 14 years and remains extremely popular. "I saw that she had about a 91 percent approval rating," says Monroe. "But in Iraq, Saddam Hussein had a 100 percent approval rating, because nobody ran against him." Norton's reelection campaign office declined to comment on Monroe's candidacy, which doesn't surprise Monroe, who considers Norton the archetypal do-nothing, say-nothing pol. A Monroe regime would be different, however. "If I was elected, and I saw you walking down the street, I would stop and say 'Hi, Justin,'" he promises.

Hearty greetings for pedestrians are but one part of Monroe's platform. While he is interested in security issues and education ("You can't have 8-or-9-year-olds going to school with guns," he states, reasonably. "Give them after-school programs, or a library card"), his central issue is that of attaining voting status for D.C. in Congress. Since the District of Columbia's creation, its residents have existed in a quasi-democratic netherworld, where residents are taxed like citizens while being

## The Zoology of Swing Voters

A guide for the 2004 elections



| SWING VOTER | "Sex & the City" Voters | Office Park Dads |
|---|---|---|
| SAYS WHO? | Page Gardner & Christina Dresser, Women's Voices, Women's Vote | Mark Penn, Penn, Schoen & Berland |
| DEMOGRAPHICS | Unmarried women between the ages of 18 and 64 | Middle-class, nonunion men ages 25 to 50, with working wives |
| FORMERLY KNOWN AS | "Murphy Brown" voters | Wired workers |
| WORRIED ABOUT | The luxury tax | Suburban sprawl |
| NIGGLING FACT | They don't vote | They all vote Republica |
| YOU MIGHT BE ONE IF... | You're female and alive | You still play fantasy football |
| HOW THEY WILL DECIDE | Who's hotter | Gas prices |
| CAN'T REMEMBER | The last time they ate | When they were happ |
| THINKS BLOGS ARE | Pink | Something in the supply closet |
| LIES TO POLLSTERS ABOUT | Their age | Their income |



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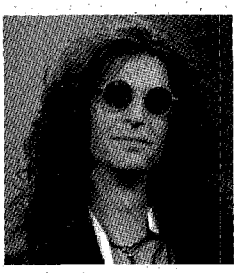

| Security Moms | NASCAR Dads | The Stern Gang | Freestyle Evangelicals |
|---|---|---|---|
| David Winston, The Winston Group | Celinda Lake, Lake Snell Perry | Simon Rosenberg, The New Democrat Network | John Green, University of Akron |
| Married women with children who have vivid memories of what they did on 9/11 | Blue-collar fathers between 35 and 55, culturally conservative but very populist | Swing voters who listen to the Howard Stern Show | Socially conservative but tolerant white evangelical suburbanites |
| Soccer moms | Reagan Democrats | Unregistered voters | Republicans |
| Everything | U.S.-Mexico border security | Vengeful midgets | The Stern Gang |
| They don't like war | 59 percent don't watch NASCAR, according to CBS pollsters | They're not quite as dumb as they sound | They still scare Democrats |
| You manifest your patriotism in baked goods | You boycotted the Dixie Chicks | The "FCC" is the only government agency you know of | You really are a compassionate conservative |
| Draft-aged sons? | They already have | Over breakfast that morning | A sign from above |
| Whether it's okay to be scared of Arab men | When the alimony's due | To put the toilet seat down | Who begat whom |
| Threatening | French | Gay | God's children, too |
| Whether they voted last time | "I'm really busy now" | Not living with their parents | Church attendance |



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denied congressional representation.

Achieving voting rights for D.C. is Norton's top priority, too—but in 14 years, she has had little luck making substantial headway. And that's what makes Monroe's candidacy oddly plausible. With the GOP controlling Congress (and likely to for the foreseeable future), any road to D.C. voting rights runs through the House Committee on Government Reform, chaired by Rep. Tom Davis (R-Va.). Norton is well liked on both sides of the aisle, but her own proposal, the No Taxation Without Representation Act, has little chance of passing since it would give the District two senators as well as a member of congress. All of the new elected officials would likely be Democrats, and GOP leaders have little incentive to give Senate Democrats, in particular, additional votes in a chamber divided so closely. And so Norton's proposal has languished.

Republican leaders are, however, eager to see Utah, an overwhelmingly Republican state, gain the fourth congressional district it narrowly missed at the last reapportionment. Which is why Davis and Rep. Dana Rohrabacher (R-Calif.) have each introduced measures that would enfranchise D.C. residents without giving the Democrats a numerical advantage in either chamber of Congress: Both proposals would make Washington a congressional district with a voting representative, while granting an additional district to Utah.

Monroe argues—not implausibly—that with Republicans taking the lead on the issue, the District would be better served with a Republican as D.C. delegate, the better to lobby his party. And he's betting that D.C. residents are exasperated enough by Norton's inability to get them the vote that they'll hold their nose and go Republican—no little feat in a town where registered Democrats outnumber registered Republicans 10-to-1. Still, Monroe is optimistic. "Look, there are 590,000 citizens in D.C.," he tells me. "300,000 registered voters, 100,000 actually come out to vote. 27,000 Republicans. If I can get all of them to come out to vote..." He pauses, and for a moment, the table is awash in the glow of his ambition.

First, though, he needs to get his campaign in order. Monroe freely admits that his campaign treasury is "pretty much squared away at zero," but he plans to start fundraising in earnest after the RNC. "We're going to have a gigantic Halloween party before the election," he mentions. "Most young people like Halloween parties." He describes other unconventional ideas, like regular "Runs for Congress," where supporters wearing Monroe T-shirts will run through every ward in D.C., energetically spreading Monroe's message. "It'll give the campaign a fresh energy, a healthy feel," says Monroe. "Quincy says he's not going to do it, but he'll be there at the end." Quincy, a large man, looks offended at the notion of running. "I'll take the bus," he mutters. Monroe talks about getting celebrities and sports figures involved, like Redskins coach Joe Gibbs, and fantasizes about an endorsement from Arnold Schwarzenegger. "Maybe if he sees I'm doing things with physical fitness, running..." he muses.

Involving party heavyweights in the race is important to Monroe, who admits that he would "very much like to become a national figure in the Republican Party." This, of course, seems to be the secret motivation behind this entire gambit. Whatever other reason Monroe might have for running—and there is no reason to doubt his sincerity about wanting to beat Norton—certainly the publicity value of being the youngest Republican candidate for a national office in a convention year does not escape him. As such, he's taking every possible opportunity to position himself nationally. "I'm working on a book entitled *Birth of a Candidate*," he says. "It'll take my candidacy from birth, through infancy, through, you know, adolescence." This occurs to me that this might be the first campaign book ever written by a novice congressional candidate. I ask him how long the book will be. "50-100 pages. It'll give people a better idea about who I am, what I want to do. It'll be called *Birth of a Candidate*," he repeats helpfully.

The meeting is winding down. As Monroe thanks Dykema and Hydle for coming, I ask the other members of the committee what they do. "I work at a restaurant," says John Corrigan. "I'm a secret agent for Her Majesty the Queen," says Quincy Waldron. I don't know how to respond to this. He smiles. "Just kidding. I'm a receptionist at Gonzaga. I'm also in charge of the alumni organization for my class." Waldron pauses. "I could use a peanut-butter-and-banana sandwich."

Before I leave, Monroe invites me out to a campaign event later that evening at Parker's, a bar in Bethesda, Md. "If you want to see what this is really all about, come on out. There'll be like 100 people there; to show that I'm not just a shirt-and-tie politician, that I can roll up my sleeves and eat chicken wings." When I get to Parker's, there are three people there—Monroe, Waldron, and Corrigan, sitting forlornly at the bar watching a football game. I go outside and double-check the sign to make sure that I'm in the right place. "Maybe there'll be more people coming by later," says Monroe. I have a beer and leave, with a promise that there'll be more people next time and an open invitation to shadow him at the RNC convention. "What a story it'd be for you," he enthuses. "The youngest congressional candidate in the nation, and you've got the story."

"There's that guy in Florida," I remind him.

His face falls. "Yeah. But there are conflicting stories about that."

**Justin Peters** is a *Washington Monthly* editorial fellow.



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# The Freedom Tax

## The Republican president who's raised fees on exactly the things he wants immigrants to do—work hard, play by the rules, and become citizens.

**By Jonathan Rowe**

Let's say you are an excitable partisan of the right, the kind for whom a small tax increase foretells a Stalinist ascent. You have just learned of a government levy that has gone up by over 50 percent in the past four years. This levy hits people at the very start of their entrepreneurial journey. It comes along with a bureaucracy so labyrinthine and inept that those subject to it pay thousands of additional dollars in lawyer fees and other expenses just trying to meet its demands.

Taxes, lawyers, bureaucrats—it is acetylene to your ideological passions. Your outrage is in a white heat. Instinctively your mind sets to work on a polemical weapon with which to hack this beast to bits. The phrases start coming. The federal government is determined to crush the dreams of the honest and hard-working people. The liberals and their bureaucrat buddies want to drown aspiration and kill hope. While brave Americans fight to extend freedom abroad, the liberal taxers want to quash it here at home. They want to impose a *Freedom Tax*. Quick, get Grover Norquist.

Except for one thing. The tax-and-spenders weren't behind the draconian increases at issue here. They happened on the watch of George W. Bush himself. And the target of this big hike was a demographic group for which the president has expressed his deepest regard—recent immigrants. These are mainly yellow- and dark-skinned people who have come here legally and are trying to live up to their responsibilities in their new land. They are people for whom America truly is the beacon of freedom the president proclaims it to be. Yet in the past four years, the Bush team has rewarded their faith with boosts in immigration fees that amount to a big tax increase.

At the Republican National Convention, Gov. Arnold Schwarzenegger spoke with eloquence of the dream that draws newcomers to this land. "They come because their hearts say to them, as mine did, 'If only I can get to America.'" President Bush has echoed those sentiments; often he declares that America is a "welcoming" nation.

When the president says such things, people might bear in mind exactly how his administration has chosen to welcome them—by raising taxes on exactly the things Washington supposedly wants immigrants to do: work to support their families, play by the rules, and become citizens.

### Jose, take a hike

The nation's immigration bureaucracy churns far below the radar of the national media, but if you are a recent immigrant you know the story only too well. Over the last four years, the U.S. Citizenship and Immigration Services (more commonly USCIS; it was called the INS before it was ingested by the new Department of Homeland Security) has been raising prices like a greedy plywood salesman before a hurricane. It has hiked 31 existing fees and had added nine categories of

**Jonathan Rowe** is a *Washington Monthly* contributing editor.



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new ones. The most common have gone up by over 50 percent. Because the process of entering the United States legally involves many separate bureaucratic steps; moreover, the fees pile up the way tolls on the Connecticut Turnpike used to do, with booths every few miles. We're talking real money, for people who generally do not have much.

Say you want to come to the United States to join family members already here. First, your relative must file a petition on your behalf. That cost $110 when Bush took office; now the fee is $185. Once you've been approved, you'll need a greencard to enter and remain in the country. In 2001, the fee was $220; now it's $315. In addition, you must pay the immigration service to take your fingerprints; that fee has nearly tripled in the past four years from $25 to $70.

That's Bush family policy for immigrants, and it's just the beginning. If you're already living in the United States on a student or work visa when you apply for your greencard, you'll have to pay even more fees—all of which have gone up. While you're waiting for your greencard—often more than a year—you might have to go home on a family matter. A "parole visa" to get back into the United States will cost you $165, up from $95. If you finish school or change jobs before your greencard arrives, you'll need to file a separate application to work here legally (2001 fee $100; 2004 fee $175). Four years ago, these fees would have totaled $550; now the sum is $910. Your tax to live and work legally in the United States went up 65 percent.

Once you've been here as a "permanent resident" for several years, you can apply for the Holy Grail—U.S. citizenship, which means a U.S. passport and the right to vote. It will cost $320, up from $225 four years ago. Plus you'll have to pay for another round of fingerprints at $70. Your tax to become an American citizen went up 55 percent.

If you're moving here with children or other family members, moreover, multiply those fees several times over. And all that is just the obvious part of the Freedom Tax. Immigrants must spend additional sums on the monumental hassles of dealing with the immigration bureaucracy. That includes days off to travel to a district immigration office and wait in a line that stretches around the block. By most accounts, the waits have gotten longer, and the service worse over the past four years. The administration has privatized the 1-800 help line, and the new privatized workers don't really know immigration law. They just read from scripts, and often give out incomplete and conflicting information. My wife is an immigrant from the Philippines, and our whole family had to stay overnight in a hotel in San Francisco and get in line early the next morning because the privatized help line had given us incomplete information. (It's a long story.)

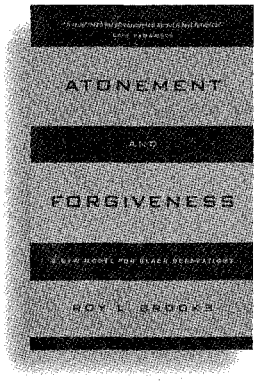
Then there are the lawyer fees. The immigration bureaucracy is a world of unintelligible forms and Kafkaesque procedures that practically requires professional help, especially if your grip on English is shaky. Immigrants have long passed the hat among relatives to raise the money for an immigration lawyer, who will charge $1,000 or more for a routine case. The need has become even greater since 9/11 with the enhanced security procedures. One immigration attorney reports that since 9/11, she and her colleagues have received a bevy of nonsensical agency requests for additional information regarding applications, many of which appear to have been directed to the wrong recipient. The president is indignant at the thought that ordinary Americans might need to retain a lawyer to seek justice from a large corporation. But he apparently has no problems with a system that requires the most powerless among us to retain a lawyer just to deal with their own government.

## Statutes of liberty

In the end, most immigrants find a way to pay the fees and the rest of the Freedom Tax as well. They borrow and scrape, but they do pay. American residence is a seller's market. So, it's largely a matter of principle: How hefty should the tax be on people who seek freedom in America? I'm not talking about how many or few immigrants the nation should admit. That's a separate matter for Congress to decide. The question rather is what kind of financial burden the government should impose on those it deems should come in.

There's nothing wrong with a nominal fee to help pay costs and to convey the significance of entering the


**"A must read for all concerned about a just America…**

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A view of the Statue of Liberty, looking up from the base.

United States. But a 50-percent hike over four years requires an explanation. The administration cites the cost of additional security after 9/11—some $21 per application, according to the USCIS estimate. But that figure amounts to less than half the amount of the average recent fee increases. What, then, does the rest of the increased fees revenue pay for? Partly, says the agency, it will cover the costs of settling pending litigation, something that rightly used to come from congressional appropriations. Another part will cover the costs of a study of how the agency can privatize more of its functions. (The privatized telephone help line has meant worse service, not better.) The nation's immigration system has long been underfunded and desperately needs an infusion of resources. But why should we expect new immigrants to pay for decades of neglect all by themselves?

The administration responds that it is simply following a law that calls for the immigration service to pay for itself. But the law in question—which was signed by Bush's father—expresses a goal, not a mandate. "The law *allows* the immigration service to pay for itself through fees," says Judy Golub, an attorney at the American Immigration Lawyers Association in Washington; it "doesn't require" that it do so. Bush could have pushed for more funds from Congress to help bring the USCIS up to speed, something that is desperately needed. Instead, the president's budget calls for reducing appropriations by 41 percent, from $236 million in 2004 to $140 million in 2005.

Let's put this into some fiscal perspective. The total fee revenues for USCIS this year are $1.571 billion, with appropriated funds added on. The agency's total budget is less than 1 percent of the Bush tax cuts, most of which went to the wealthiest Americans. In other words, if the president had reduced those cuts by just a tiny amount, he could have eliminated immigration fees entirely. Or, he could have spent the money it will take to enable the agency to do its job. Or both.

That is, if he really wanted to make this a "welcoming" nation.

## Opportunity costs

So in the end, the fee hikes are not about accounting but rather about political economy. They reflect the administration's beliefs regarding who should pay for government and who should get the benefits. It has cut taxes for the affluent, even as the costs of government have continued to rise. The result has been a hidden shift of burdens onto the middle and working classes. In the face of rising demand and flat or falling revenues from the federal government, for example, tuition at state and community colleges—the traditional gateways of opportunity in America—has soared during Bush's watch. For example, in California, tuitin fees are up 40 percent over the last two years alone. The budget dominoes that begin to fall in Washington inflict pain up and down the line.

Of course, many on the right have no problem with shifting burdens downward. It's their goal; and if taxes help turn ordinary people against the government, then all the better. But when it comes to the enormous hikes in immigration fees, there is a consequence that Republicans might want to reconsider. They are fond of saying that "when you tax something, you get less of it." Well, what happens when you increase the tax that immigrants pay to live and work here legally?

*Res ipse loquitur* as the lawyers say. The thing speaks for itself. A Freedom Tax really is an apt phrase. Where is Grover Norquist when the tired and poor of the world really need him? ◆



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# Iran-Contra II?

## Fresh scrutiny on a rogue Pentagon operation

**By Joshua Micah Marshall, Laura Rozen, and Paul Glastris**

On Aug. 27, CBS News reported that the FBI is investigating a suspected mole in the Department of Defense who allegedly passed to Israel, via a pro-Israeli lobbying organization, classified American intelligence about Iran. The focus of the investigation, according to U.S. government officials, is Larry Franklin, a veteran Defense Intelligence Agency Iran analyst now working in the office of the Pentagon's number three civilian official, Undersecretary of Defense for Policy Douglas Feith.

The investigation of Franklin is now shining a bright light on a shadowy struggle within the Bush administration over the direction of U.S. policy toward Iran. In particular, the FBI is looking with renewed interest at an unauthorized back-channel between Iranian dissidents and advisers in Feith's office, which more-senior administration officials first tried in vain to shut down and then later attempted to cover up.

Franklin, along with another colleague from Feith's office, a polyglot Middle East expert named Harold Rhode, were the two officials involved in the back-channel, which involved on-going meetings and contacts with Iranian arms dealer Manucher Ghorbanifar and other Iranian exiles, dissidents and government officials. Ghorbanifar is a storied figure who played a key role in embroiling the Reagan administration in the Iran-Contra affair. The meetings were both a conduit for intelligence about Iran and Iraq and part of a bitter administration power struggle pitting officials at DoD who have been pushing for a hard-line policy of "regime change" in Iran against other officials at the State Department and the CIA who have been counseling a more cautious approach.

Reports of two of these meetings first surfaced a year ago in *Newsday*, and have since been the subject of ongoing investigation by the Senate Select Committee on Intelligence. Whether or how the meetings are connected to the alleged espionage remains unknown. But the FBI is now closely scrutinizing them.

While the FBI is looking at the meetings as part of its criminal investigation, to congressional investigators the Ghorbanifar back-channel exemplifies the out-of-control bureaucratic turf wars that have characterized and often hobbled Bush administration policy-making. An investigation by *The Washington Monthly*—including a rare interview with Ghorbanifar—adds weight to those concerns. The meetings turn out to have been far more extensive and much less under White House control than originally reported. One of the meetings, which Pentagon officials have long characterized as merely a "chance encounter," seems in fact to have been planned long in advance by Rhode and Ghorbanifar. Another has never been reported in the American press. The administration's reluctance to disclose these details seems clear: the DoD-Ghorbanifar meetings suggest the possibility that a rogue faction at the Pentagon was trying to work outside normal U.S. foreign policy channels to advance a "regime-change" agenda not approved by the president's foreign policy principals or even the president himself.

### The Italian Job

The first meeting occurred in Rome in December 2001. It included Franklin, Rhode, and another American, the neoconservative writer and operative Michael Ledeen, who organized the meeting. (According to UPI, Ledeen was then working for Feith as a consultant.). Also in attendance was Ghorbanifar and a number of other Iranians. One of the Iranians, according to two sources familiar with the meeting, was a former senior member of the Iranian Revolutionary Guard who claimed to have information about dissident ranks within the Iranian security services. *The Washington Monthly* has also learned from U.S. government sources that Nicolo Pollari, the head of Italy's military intelligence agency, SISMI, attended the meetings, as did Italian Minister of Defense Antonio Martino, who is well-known in neoconservative circles in Washington.

Alarm bells about the December 2001 meeting began going off in U.S. government channels only days after it occurred. On Dec. 12, 2001, at the U.S. embassy in Rome, America's newly-installed ambassador, Mel Sembler, sat down for a private dinner with Ledeen, an old friend of his from Republican Party politics, and Martino, the Italian defense minister. The conversation quickly turned to the meeting. The problem was that this was the first that Ambassador Sembler had heard about it.

According to U.S. government sources, Sembler almost immediately set about trying to determine what he could about the meeting and how it had happened. Since U.S. government contact with foreign government intelligence agen-

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cies is supposed to be overseen by the CIA, Sembler first spoke to the CIA station chief in Rome to find out what if anything he knew about the meeting with the Iranians. But that only raised more questions because the station chief had been left in the dark as well. Soon, both Sembler and the Rome station chief were sending anxious queries back to the State Department and CIA Headquarters in Langley, Va., respectively, raising alarms on both sides of the Potomac.

The meeting was a source of concern for a series of overlapping reasons. Since the late 1980s, Ghorbanifar has been the subject of two CIA "burn notices." The agency believes Ghorbanifar is a serial "fabricator" and forbids its officers from having anything to do with him. Moreover, why were mid-level Pentagon officials organizing meetings with a foreign intelligence agency behind the CIA's back—a clear breach of U.S. government protocol? There was also a matter of personal chagrin for Sembler: At State Department direction, he had just been cautioning the Italians to restrain their contacts with bad-acting states like Iran (with which Italy has extensive trade ties).

According to U.S. government sources, both the State Department and the CIA eventually brought the matter to the attention of the White House—specifically, to Condoleezza Rice's chief deputy on the National Security Council, Stephen J. Hadley. Later, Italian spy chief Pollari raised the matter privately with Tenet, who himself went to Hadley in early February 2002. Goaded by Tenet, Hadley sent word to the officials in Feith's office and to Ledeen to cease all such activities. Hadley then contacted Sembler, assuring him it wouldn't happen again and to report back if it did.

The orders, however, seem to have had little effect, for a second meeting was soon underway. According to a story published this summer in *Corriere della Sera*, a leading Italian daily, this second meeting took place in Rome in June 2002. Ghorbanifar tells *The Washington Monthly* that he arranged that meeting after a flurry of faxes between himself and DoD official Harold Rhode. Though he did not attend it himself, Ghorbanifar says the meeting consisted of an Egyptian, an Iraqi, and a high-level U.S. government official, whose name he declined to reveal. The first two briefed the American official about the general situation in Iraq and the Middle East, and what would happen in Iraq, "and it's happened word for word since," says Ghorbanifar. Spokesmen for the NSC, which declined to comment on this and other meetings, referred *The Washington Monthly* to the Defense Department, which did not respond to repeated inquiries. Ledeen also refused to comment.

No one at the U.S. embassy in Rome seems to have known about this second Rome meeting. But the back-channel's continuing existence became apparent the following month—July 2002—when Ledeen again contacted Sembler and told him that he'd be back in Rome in September to continue "his work" with the Iranians (This time Ledeen made no mention of any involvement by Pentagon officials; later he told Sembler it would be August rather than September.) An exasperated Sembler again sent word back to Washington, and Hadley again went into motion telling Ledeen, in no uncertain terms, to back off.

Once again, however, Hadley's orders seem to have gone unheeded. Almost a year later in June 2003, there were still further meetings in Paris involving Rhode and Ghorbanifar. Ghorbanifar says the purpose of the meeting was for Rhode to get more information on the situation in Iraq and the Middle East. "In those meetings we met, we gave him the scenario, what would happen in the coming days in Iraq. And everything has happened word for word as we told him," Ghorbanifar repeats. "We met in several different places in Paris," he says. "Rhode met several other people—he didn't only meet me."

## Not a "chance encounter"

By the summer of 2003, the Senate Select Committee on Intelligence had begun to get wind of the Ghorbanifar-Ledeen-DOD back-channel and to make inquiries at the CIA. A month later, *Newsday* broke the original story about the secret Ghorbanifar channel. Faced with the disclosure, Secretary of Defense Rumsfeld acknowledged the December 2001 meeting but dismissed it as routine and unimportant.

"The information has moved around the interagency process to all the departments and agencies," he told reporters in Crawford, Texas, after a meeting with Bush. "As I understand it, there wasn't anything there that was of substance or of value that needed to be pursued further." Later that day, another senior Defense official acknowledged the second meeting in Paris in June 2003, but insisted that it was the result of a "chance encounter" between Ghorbanifar and a Pentagon official. The administration has kept to the "chance encounter" story to this day.

Ghorbanifar, however, laughs off that idea. "Run into each other? We had a prior arrangement," the Iranian told *The Washington Monthly*: "It involved a lot of discussion and a lot of people."

Over the last year, the Senate Intelligence Committee has conducted limited inquiries into the meetings, including interviews with Feith and Ledeen. But under terms of a compromise agreed to by both parties, a full investigation into the matter was put off until after the November election. Republicans on the committee, many of whom sympathize with the "regime-change" agenda at DoD, have been resistant to such investigations, calling them as election-year fishing expedition. Democrats, by contrast, see such investigations as vital to understanding the central role Feith's office may have played in a range of dubious intelligence enterprises, from pushing claims about a supposed Saddam-al Qaeda partnership and overblown estimates of alleged Iraqi stocks of WMD to what the committee's ranking minority member Sen. Jay Rockefeller (D-W.Va.) calls "the Chalabi factor" (Rhode and others in Feith's office have been major sponsors of the Iraqi exile leader, who is under investigation for passing U.S. intelligence to Iran). With the FBI now adding potential espionage charges to the mix, the long-simmering questions about the activities of Feith's operation now seem certain to come under renewed scrutiny. ◆



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# False Alarm

## How the media helps the insurance industry and the GOP promote the myth of America's "lawsuit crisis."

**By Stephanie Mencimer**

Last December, *Newsweek* featured a cover package by Stuart Taylor and Evan Thomas that blared: "Lawsuit Hell: Doctors. Teachers. Coaches. Ministers. They all share a common fear: being sued on the job." Paired with a week-long tie-in on NBC News and online chats on MSNBC.com, the article claimed that because "Americans will sue each other at the slightest provocation," the country is suffering from an "onslaught of litigation" that costs Americans $200 billion a year. The story was full of tales claiming to illustrate Americans' overarching sense of legal entitlement and desire to "win a jackpot from a system that allows sympathetic juries to award plaintiffs not just real damages...but millions more for the impossible-to-measure 'pain and suffering' and highly arbitrary 'punitive damages.'"

Among others, the story featured a softball tournament organizer, a minister, and a doctor who all claimed to have modified their behavior because they were terrified of lawsuits. Ryan Warner, an insurance salesman in Page, Ariz., told *Newsweek* that he had recently cancelled an annual charity softball tournament because an injured player had sued the city of Page for $100,000. Warner said that he worried he might be added as a defendant.

The story as published, though, lacks a few critical details. *Newsweek* didn't mention, for instance, that the 1997 federal Volunteer Protection Act ensures that people like Warner are immunized from these types of lawsuits. The article also excluded the injured man, Richard Sawyer, a locomotive engineer who suffered a dislocated ankle and a spiral fracture to the fibula—and missed months of work as a result—after he slid into a base that was supposed to break away on impact but didn't because the city hadn't followed the manufacturer's instructions for maintaining these fixtures properly, according to Kevin Garrison, Sawyer's lawyer.

The event organizers had insurance—required by the city—to protect against exactly this kind of situation, but Warner cancelled the tournament anyway because he says the lawsuit was "a hassle." Canceling the tournament proved a smart PR move, as it brought out an immense amount of pressure on Sawyer to drop his suit, says Garrison. The case was settled this January for an undisclosed amount and Warner was never named. In fact, the tournament has been revived and scheduled for early September.

Not only were the particulars of the *Newsweek* story misleading. The essence of the story was wrong, too. *Newsweek*'s "onslaught" of lawsuits simply hasn't happened. According to the National Center for State Courts, a research group funded by state courts, personal injury and other tort filings, when controlled for population growth, have declined nationally by 8 percent since the 1975, and have been falling steadily in real numbers since 1996. The numbers are even more dramatic in places with rapid population growth, like Texas, where the rate of tort filings fell 37 percent between 1990 and 2000. Even in liberal California, the rate of filings has plummeted 45 percent over the past decade. And those overly sympathetic juries *Newsweek* derides as so eager to dole out big bucks to injured victims? In 2001, they voted against plaintiffs in 75 percent of all medical malpractice trials, according to the federal government's Bureau of Justice Statistics (BJS).

In an interview, Taylor dismisses these numbers as insignificant compared with the tort system's $200 billion drag on the economy. "The costs of the tort system to society have gone up astronomically," he says. That figure, though, comes from the insurance-industry consulting firm Tillinghast-Towers Perrin (TTP), which includes in its

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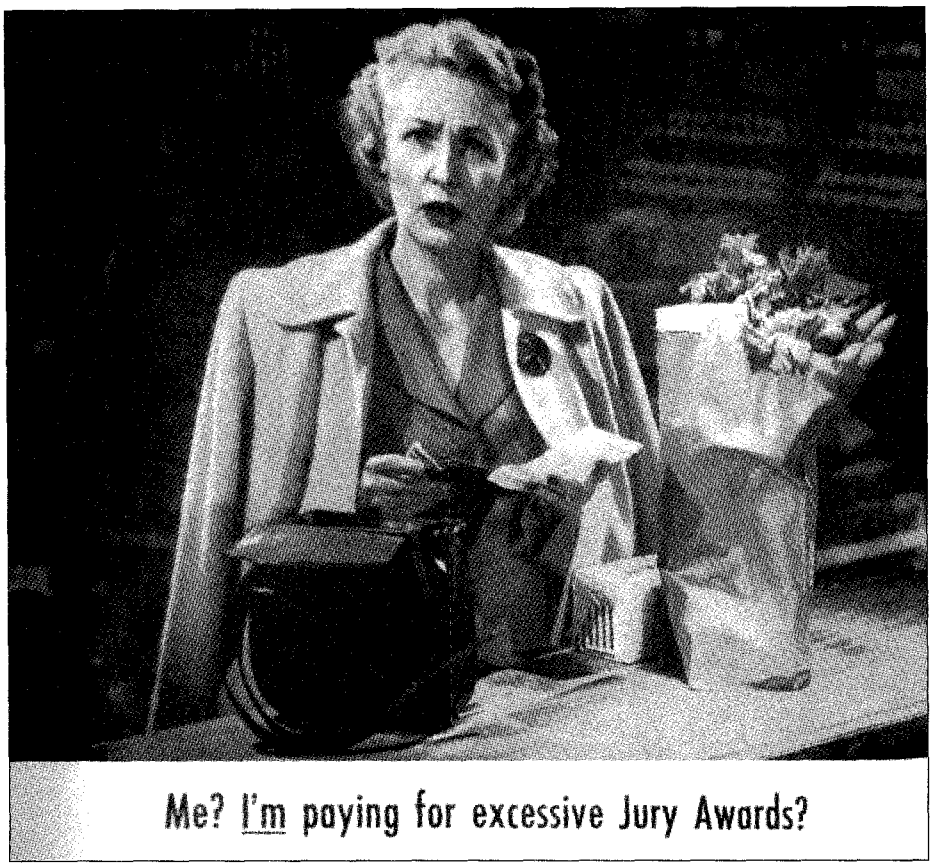
definition of the "tort system" insurance company administrative costs and overhead and the salaries of highly paid insurance company CEOs (Maurice "Hank" Greenberg, chairman of AIG, one of the world's largest insurance companies, makes $29 million a year). One thing TTP doesn't include: court budgets, which makes its study seem a lot more like an assessment of the insurance industry than of the legal system.

It's not as though *Newsweek* wasn't aware of these facts. On Friday, Dec. 5, a day before the story went to press, Taylor contacted the Association of Trial Lawyers of America (ATLA) for a quote. ATLA relayed the request to the nonprofit Center for Justice and Democracy (CJD), whose director, Joanne Doroshow, emailed Taylor information that contradicted some of the assertions in the story, including the state court data and a critique of the TTP study. (Doroshow provided the entire email exchange to *The Washington Monthly*.) Taylor dismissed it all, telling Doroshow, "Based on your many emails to me over the past 24 hours, you have very little thoughtful analysis to contribute to that debate."



An insurance industry ad in a 1953 *Saturday Evening Post* urges readers to blame runaway juries for insurance hikes.

Taylor did, however, take lots of his information from Philip K. Howard, the founder of Common Good, a group funded by corporations and physicians seeking to limit their legal liability for wrongdoing. Common Good's agenda includes advocating for legislation that would end the civil jury's role in many lawsuits. To advance the cause, Common Good helps reporters generate anti-lawsuit articles by distributing colorful litigation horror stories from around the country—the story from the *Arizona Sun* about Warner's softball tournament, for instance, was linked on Common Good's Web site a few months before the *Newsweek* story appeared.

Incidentally, Howard also works for the law firm of Covington & Burling, which represents *Newsweek*'s parent company. Post-Newsweek Inc. has been sued a number of times for employment discrimination and was hit with an $8.3 million verdict in 1999, a fact that *Newsweek* didn't mention in the story.

Unfortunately, *Newsweek*'s one-sided coverage of the civil justice system is the rule, not the exception. Every few months, one or another newspaper, magazine, or television show does a story just like it. They all hew to a standard line, starting with a juicy but misleading—or even fictitious—lawsuit horror story typically describing an irresponsible plaintiff, followed by "studies" on the economic damage of the tort system published by corporate front groups, finally ending with calls for "reforms" to rein in mushy-headed juries and greedy trial lawyers. Such skewed coverage represents a victory in a sustained, 50-year public relations assault on the civil justice system by the insurance industry, tobacco companies, and other corporate giants. It's helped fuel political support for curtailing Americans' right to hold corporations and individuals accountable for negligence, fraud, and other malfeasance in court. Perhaps more serious, journalists' willingness to perpetuate anti-lawsuit propaganda has gravely jeopardized Americans' unique democratic right to participate on civil juries.

## Runaway hedge-clippers

The current PR campaign by the insurance industry and other big corporations is just the latest iteration of a long fight tracing back to the 1950s. That was when plaintiffs' lawyers started breaking down some of the legal barriers that had long protected industry from responsibility for injuries to workers and consumers and opened up jury pools to make them more representative of the general public. The blood bath on the nation's highways during the post-war auto boom also created a whole new arena of litigation over who should pay for the injuries and deaths caused



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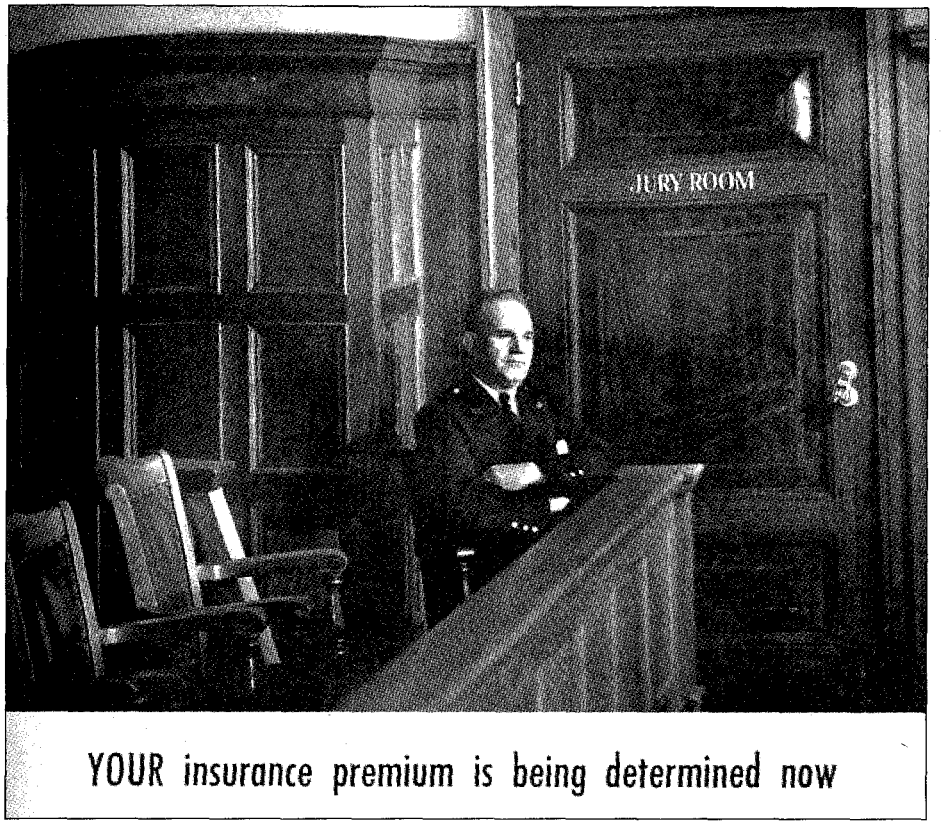


A second insurance industry ad in a 1953 *Saturday Evening Post* hammers away at the same point.

in car accidents. Auto insurance companies were frequently in the middle of these disputes (as they are today; insurance companies are the defendants in 90 percent of all auto-accident lawsuits).

With their profits threatened by unfavorable jury verdicts, the insurance industry started running anti-lawsuit ads targeted at jurors. For instance, in 1953, the industry ran ads in *Life* magazine and *The Saturday Evening Post* that declared, "ruled by emotion rather than facts, [jurors] arrive at unfounded or excessive awards—verdicts occasionally even higher than requested!" The ads implored potential jurors to remember that "you pay for liability and damage suit verdicts whether you are insured or not."

The industry also successfully planted articles in national magazines and TV shows that were designed to look like investigative reporting. In 1962, CBS broadcast "Smash-Up," a fictionalized docudrama that portrayed sleazy lawyers faking auto accident cases. The Insurance Information Institute, the industry's public relations arm, helped write the script. In 1977, the venerable insurance company Crum & Forester sponsored one of the first print ads that included what would become a staple of anti-lawsuit rhetoric: the fictional lawsuit horror story. The ad told the story of a guy who collected a $500,000 jury verdict after he was injured using a lawnmower as a hedge clipper. The agency later conceded that it had no factual basis for the story, but that didn't keep it from circulating widely in the media and in conservative political speeches.

The industry knew what it was doing. In 1979, Elizabeth Loftus, the famous memory researcher and University of California psychologist, tested the effects of this kind of advertising on potential jurors and their decision making in the jury box. At the time, the industry was spending $10 million on a series of ads in a host of national magazines. In an article in *The American Bar Association Journal*, Loftus reported that potential jurors who were exposed to even one insurance ad awarded much less for pain and suffering than those who weren't.

In the mid-1980s, with insurance companies hitting a slump, the insurance industry's "tort reform" movement, as it became known, broadened its emphasis. Instead of limiting itself to targeting individual jurors through mass media advertising, the industry began to heavily lobby legislators to restrict citizens' ability to sue. The movement pursued strict caps on damage awards, tougher standards for proving liability, and caps on plaintiffs' attorney fees. The industry's crusade was taken up by small government conservatives, who believed that tort reform paralleled their own efforts to fill the federal bench with pro-business jurists and roll back government regulations. They were also upset by changes in the 1960s and 1970s that broadened legal protections for women and minorities, such as the 1964 Civil Rights Act, and the expansion of product liability doctrines that made it easier for injured consumers to force companies to compensate them for faulty products. Politically, it was a lot easier to attack juries and trial lawyers than the popular consumer, civil rights, and environmental protection laws they enforced—or the injured victims they represented.

Advertising was a key component of those efforts. In 1986, *Newsweek* ran a series of ads sponsored by the insurance industry under the heading, "We all pay the price." The ads warned that lawsuits were driving ob/gyns out of business, shuttering local school sports programs, and scaring the clergy out of counseling their flocks—though few of these assertions turned out to be true. That same year, 1,600 tort reform measures were introduced in 44 state legislatures, 21 of which passed significant restrictions on lawsuits and jury awards before adjourning.

Tort reformers still weren't satisfied but were hamstrung by the fact that most Americans didn't see lawsuits as a huge problem. After all, most people never have any contact with the legal system unless they're getting divorced. So, a group



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of corporate leaders, including AIG's Greenberg, set about to change that by pumping money into right-wing think tanks to prepare a body of "evidence" proving that not only was there a crisis in the courthouse but also that "we all pay the price" as a result.

One of the most influential of those groups is the Manhattan Institute, founded by the late CIA director William Casey. In 1986, the institute created its Project on Civil Justice Reform with funding from all the same insurance companies who'd been responsible for circulating bogus lawsuit horror stories. The project was targeted specifically at journalists. In a 1992 memo, institute president William Hammett explained the strategy for molding reporters into a "pro-tort reform" position: "Journalists need copy, and it's an established fact that over time they'll 'bend' in the direction in which it flows. For that reason, it is imperative that a steady stream of understandable research, analysis, and commentary supporting the need for liability reform be produced. If sometime during the present decade, a consensus emerges in favor of serious judicial reform, it will be because millions of minds have been changed, and only one institution is powerful enough to bring that about: the combined force of the nation's print and broadcast media, the most potent instrument for public education—or miseducation—in existence."

Over the next decade, the institute produced a blizzard of reports, conferences, op-eds, books, and mailings all decrying the "litigation explosion" and greedy trial lawyers. They cultivated sympathetic and influential journalists such as "20/20"'s John Stossel, then-*New Republic* editor Michael Kinsley, and *TNR* columnist Fred Barnes, and more recently, Stuart Taylor, who frequently cites their work in his columns for *Newsweek*, *The National Journal*, and *The Atlantic Monthly*. The "research" conducted by the institute usually purported to show how lawsuits impact the average consumer's daily life by raising the cost of groceries or auto insurance or driving their favorite physicians out of business. But some of the institute's "scholars" played a little fast and loose with the facts.

Take the idea of a "tort tax," the financial hit allegedly taken by every citizen because of the legal system, which Taylor raised in his December *Newsweek* article. It dates back to 1988, when Manhattan Institute fellow Peter Huber coined the term in his book, *Liability*, and claimed that the tort system cost Americans $300 billion a year. Three years later, the figure made its way into a speech given by Vice President Dan Quayle, who blamed lawyers for wrecking the economy. After the speech, several researchers examined the methods Huber had used to arrive at that figure. Huber, they found, had simply made it up. As *The Economist* observed in 1992, "the $300 billion figure has no discernible connection to reality."

While the Manhattan Institute targeted the media elite, large corporations also set about creating the appearance of a "grassroots" movement to persuade lawmakers that tort reform had broad populist appeal. As Neal Cohen, one of the PR geniuses behind this project explained to a meeting of the Public Affairs Council in 1994, "In a tort reform battle, if State Farm...is the leader of the coalition, you're not going to pass the bill. It is not credible. OK? Because it's so self-serving." Cohen was speaking from experience. Since 1988, he had been running Philip Morris's "family tort project" through the D.C. consulting firm APCO, where he helped the tobacco industry wage a multi-million stealth campaign to insulate itself from smokers' lawsuits. By 1995, the tobacco industry was providing almost half the budget—$5.5 million in a single year—for the American Tort Reform Association (ATRA).

ATRA, in turn, helped funnel money to state level organizations called Citizens Against Lawsuit Abuse (CALA). These chapters were responsible for holding "lawsuit abuse awareness week," buying ads on buses and billboards, providing experts for reporters, generating "polls" that claimed 99 percent of Americans believe there are too many frivolous lawsuits. The groups were hardly grassroots organizations of inflamed citizens; the original chapter, in Weslaco, Texas, is just a shell corporation housed in the local chamber of commerce.

Even after the corporate backing of these groups came to light (thanks in part to Cohen's speech, a tape of which was obtained by some muckraking reporters), tort reformers have continuted to use variations of the technique. Most recently, doctors seeking to restrict medical malpractice lawsuits have worked with corporate front groups like Texans for Patient Access and Californians Allied for Patient Protection.

After 50 years and hundreds of millions of dollars spent convincing the public of a litigation crisis, the tort reformers have largely succeeded. There's very little that journalists won't repeat and readers won't swallow about the evils of the civil liability system.

## The lying florists

In November 2002, viewers of "60 Minutes" learned that Fayette, Miss., was the nation's capital of "jackpot justice," a place where "plaintiffs' lawyers have found that juries in rural, impoverished places can be mighty sympathetic when one of their own goes up against a big, rich, multinational corporation." In the story, Morley Safer interviewed a local florist who had received a multi-million dollar settlement in a diet-drug lawsuit. The unnamed florist alleged that trial lawyers were bribing jurors to give big awards. "The jury awarded these people this money because they felt as if they were going to get a cut off of it," he told Safer.

During the broadcast, Safer interviewed Wyatt Emmerich, the publisher of a newspaper in Jackson, who explained a few big verdicts there by saying, "Look at the jurors. These are disenfranchised people. These are people who've been left out of the system, who feel like, 'Hey, stick it to the Yankee companies. Stick it to the insurance companies. Stick it to the pharmaceutical companies.' The African Americans feel like it's payback for disenfranchisement. And the rednecks, shall we say, it's like, 'Hey, you know, get back at' revenge for the Civil War. So there's a lot of resentment, a lot of class anger, a lot of racial anger. And it's very easy to weave this racial conflict and this class conflict into a big pot



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of money for the attorneys." The day after the program aired, the legislature passed new restrictions on lawsuits.

Tiny Jefferson County's national reputation as a "judicial hellhole" came in part from intense publicity from the American Tort Reform Association, which every year publishes a "study" purporting to identify various jurisdictions around the country it deems too plaintiff-friendly and in need of reform. At the time of the "60 Minutes" episode, the U.S. Chamber of Commerce's Institute for Legal Reform was spending millions nationally on advertising and lobbying for restrictions on citizens' rights to sue. At least $100,000 of that had recently gone into an advertising campaign in Mississippi to push for a cap on damages in lawsuits against corporations. Those facts weren't included in the story. Meanwhile, the florist, Beau Strittman, retracted his comments about the payoffs, telling the AP, "I just said it as a joking statement." CBS spokesman Kevin Tedesco said the network could not comment on the segment because several jurors have sued CBS for libel over the broadcast.

It wasn't the first time "60 Minutes" got duped in an anti-lawsuit segment. Back in 1986, the show profiled the owner of a ladder manufacturing company who claimed his company had been hit with a $300,000 jury verdict in a suit by a man who fell off a ladder because he set it in a pile of manure. The business owner claimed the lawsuit alleged the company should have warned buyers of the dangers of setting ladders in dung. The real lawsuit had nothing to do with manure; the ladder had broken with less than 450 pounds on it, even though it had a safety rating that said it could support up to 1,000. Tedesco says the show never ran a correction.

The print media, mostly opinion columnists, have proven even more gullible in publishing stories about lawsuits that are simply fictional. For instance, in June 2003, in a column entitled, "Welcome to Sue City, U.S.A.," *U.S. News & World Report* owner Mort Zuckerman claimed that "litigation has become our national pastime." As proof, he offered several examples of lawsuits that illustrated the nation's "enormous inflation of rights over responsibilities." Zuckerman wrote, "A woman throws a soft drink at her boyfriend at a restaurant, then slips on the floor she wet and breaks her tailbone. She sues. Bingo—a jury says the restaurant owes her $100,000! A woman tries to sneak through a restroom window at a nightclub to avoid paying the $3.50 cover charge. She falls, knocks out two front teeth, and sues. A jury awards her $12,000 for dental expenses."

The anecdotes were catchy. Unfortunately, they weren't true. The stories had been circulating in an email for two years and had made it into several mainstream news outlets, including another Zuckerman property, *The New York Daily News*, which had published an email containing one of the fake lawsuits in the sports section a year earlier (with no correction). When *The Washington Post*'s Howard Kurtz called him on the *U.S. News* error, Zuckerman was unapologetic. The magazine only published a brief clarification about the fictional suits, which ended by saying, "Mr. Zuckerman continues to believe, and most Americans agree, that we live in a country where far too many frivolous lawsuits are filed each year." When contacted by *The Washington Monthly*, a spokesperson for Zuckerman refused to disclose the source of the lawsuit anecdotes or to offer an explanation as to why Zuckerman would publish anything from a spam email without checking it out first.

Small-town papers seem even more vulnerable to such fabrications than the national media, yet their impact is substantial, as battles over most tort reform laws are fought in state legislatures, and juries are drawn from local pools. For instance, in February last year, the *Weirton Daily Times* in Weirton, W. Va., published an editorial supporting tort reform and blaming juries for outrageous decisions in frivolous lawsuits. Among the examples was the story of an Oklahoma man who put his Winnebago on cruise control at 70 mph and "calmly left the driver's seat to go into the back and make himself a cup of coffee." Naturally, after the crash, the man sued Winnebago for not advising him of the dangers of cruise control. A jury awarded the man $1.75 million and a new motor home, the paper said.

But it turned out that every one of the lawsuits mentioned in the *Daily Times* editorial stemmed from an anonymous email and was fiction. A local attorney, Michael Nogay, called *Daily Times* managing editor Richard Crofton and alerted him to the error. But rather than print a humble retraction, Crofton argued in print that the essence of the editorial was true and published several examples of "real" frivolous lawsuits. "What really killed me was that they didn't even say 'we're sorry,'" says Nogay, who notes that the column came a week or so after the state chamber of commerce had run a full-page ad in the paper calling for tort reform while the legislature was in session. When I asked what made him write about the suits without checking their veracity, Crofton says, "We're a small paper, and I don't have the resources to track down things all over the country."

The media mogul Steve Brill first wrote about litigation myths back in 1986, when, as a journalist he traced several examples of the allegedly "frivolous lawsuits" for *The American Lawyer* magazine and found that many of them were simply urban legends. He says, "I had gone back through the archives of *Time* magazine, and every ten years, *Time* declared a 'litigation crisis.' But there was no crisis." Reporters' perpetuation of the litigation myths has become one of Brill's pet peeves, even though, as a business owner himself, he supports legal changes that would protect businesses. "Reporters are basically lazy," says Brill. "You can always find a ridiculous lawsuit to make the system look crazy."

## The $30,000 jackpot

The plain fact is, most lawsuits are neither ridiculous nor lucrative. Despite the eye-popping headlines about billion-dollar fen-phen verdicts or David v. Goliath movies about little guys taking on corporate wrongdoers in court, the civil justice system looks a lot more like this: On Aug. 2, 1997, Bonnie Daniels rear-ended Diane Pitnikoff in Cumberland County, Maine, and was arrested for drunk driving. Pitnikoff



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suffered a number of lingering injuries and ran up $42,000 in medical bills. Pitnikoff sued Daniels for $100,000. On March 20, 2003, a jury voted in favor of Pitnikoff, awarding her a grand total of $21,000.

It's not a very sexy story—hardly the kind of thing that captures the imagination and lands on the cover of *Newsweek*. Yet most tort lawsuits in this country—nearly 60 percent—involve simple fender-benders, and the awards are generally quite small and getting smaller. New data released in April by the Justice Department's BJS show that in state courts, the median "jackpot" jury verdict in all tort suits was a mere $37,000 in 2001—down from $65,000 in 1992.

And what of the undeserved billions in punitive damages that *Newsweek* says Americans win from sympathetic juries? Punitive damage awards are intended to punish wrongdoers for reprehensible conduct, and as a result, must be high enough to get the defendant's attention. That's why an Alaska jury hit Exxon with a $4.5 billion penalty in the wake of the Valdez spill. But such awards are so rare that, according to BJS, the median punitive damage award in 2001 was only $50,000. Only 7 percent of all plaintiffs were awarded $1 million or more.

Because the Justice Department data conflict so sharply with conventional wisdom, you'd think it would have been big news. The media coverage that resulted from the new government study? Forty words in the *USA Today*. As of mid-August, no major media outlet had covered the study, including *Newsweek*. National editor Tom Watson says that his magazine has a strict policy of not commenting on its own news coverage. "No one is willing to report that tort awards are down, and that they're 30,000 bucks, not 5 million," says Theodore Eisenberg, a Cornell University law school professor who does empirical research on the legal system.

Indeed, the tort reformers' message has proven remarkably resistant to correction. Part of the reason is that those who have another side of the story to present have vastly fewer resources with which to make their case. BJS has a publicity budget of zero dollars, making it tough for the bureau to publicize its remarkable findings. Trial lawyers, who do have some money, have been reluctant to fight back in the media because they recognize that they are universally mistrusted. They've picked their fight in the courthouse, where they challenge tort reform proposals as unconstitutional.

Tort reformers, too, have deftly manipulated reporters' weaknesses, like the over-reliance on the anecdotal lead. Editors are always imploring writers to find a perfect anecdote that can sum up a complicated problem in 40 words or less. This can be a useful tool for conveying information to a reader, but when it comes to something as complex as civil justice system, the technique often backfires because the juiciest anecdotes tend to be the exception rather than the rule. And reporters simply don't expect to be lied to when an advocacy group hands them tales of a crazy lawsuit or a study about economic trends—a naiveté that the tort reform movement has skillfully exploited. Gary Alan Fine, a sociology professor at Northwestern University and an expert on contemporary legends, says most people, including reporters, "rely on the trust we have of others."

Lobbying groups and industry financed think tanks have also taken advantage of an information vacuum. For years, most state courts never collected information on case outcomes and jury awards, so real numbers were hard to come by. Tort reformers have expertly filled this void with their own figures. "When there's no data, you can just make stuff up," says Eisenberg.

Even when there are relatively good data, they are easy to misread. The RAND Corporation's Institute for Civil Justice has reliable jury verdict data for two counties in Illinois and California going back 40 years. At one point, California's average jury verdicts showed a big jump. A tort reform lobbyist might point to the same data as proof that emotional jurors are giving away a lot more money. In fact, what happened was that California raised the dollar limits for cases that could be pressed in small claims court, taking the small cases out of the main court, thus pushing up its statistical average even when the actual awards stayed constant. "It's really, really hard to make any inferences about what's going on out there from jury verdicts," says RAND's Seth Seabury.

Indeed, the "onslaught of litigation" over the past 30 years decried in *Newsweek* is a relative term. In 1962, for instance, only about 300 civil rights lawsuits were filed in federal courts. In 2000, there were more than 40,000—an onslaught, to be sure, but that's because prior to 1964, racial discrimination was legal.

Michael McCann, director of the Comparative Law and Society Studies Center at the University of Washington, suspects that legal myths remain so pervasive because Americans want to believe them. He says that tort reformers have turned the frivolous lawsuit "into a morality tale about the loss of personal responsibility." He also suspects that the flexible American legal system lends itself to such caricatures because in America, fat people really can sue McDonalds (whether they would win is an entirely different matter), so many of the fake lawsuit stories don't seem like that much of a stretch.

The news coverage may be creating some unexpected consequences: Some academic researchers suspect that all the hype about the litigation crisis might actually be making Americans more litigious by giving them the erroneous impression that compensation is available through the courts for most injuries. As McCann says, "Tort reformers may have produced more frivolous claims while making legitimate claims harder to bring."

Indeed, if Americans really are overcome with fear of lawsuits, it might be because they've been reading too many *Newsweek* articles. At least that's the rationale cited by the organizers of annual Polar Bear Plunge back in Page, Ariz. In January, organizer Paul Ostapuk told the local newspaper that he was canceling the annual event at Lake Powell because "Given the rampant rise in frivolous lawsuits across the nation and the recent *Newsweek* article...I've had to play it safe and rethink the 2004 Polar Bear Plunge event." Ostapuk said he was planning to reschedule for next year—after buying some insurance. ◆



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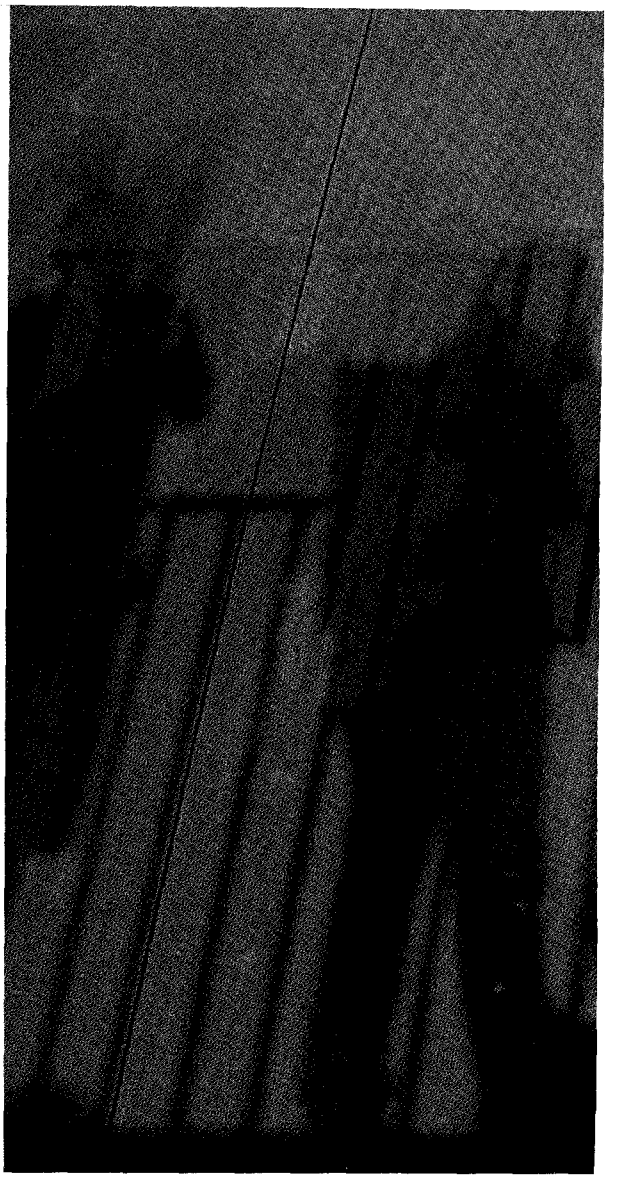
# Party Down

## Like the Democrats during the 1970s, today's GOP is hidebound, corrupt, out of touch —and doomed.

**By Benjamin Wallace-Wells**



In late July, on a gauzy, impossibly hot Washington evening, I met a friend of mine in a quiet sushi restaurant a few blocks from the White House. My friend, a conservative aide to an even more conservative senator, is from the suburbs of Atlanta; his favorite word is "ignorant," by which he means some combination of insufficiently educated and totally deluded, and which he usually uses to describe Bill Clinton's foreign policy, or his ex-girlfriend, or a particularly memorable English professor. On this particular night, though, he was using it, liberally, to describe the Republican congressional approach to policy-making, on issue after issue.

I hadn't expected this line from him. My friend is the kind of tough-minded partisan who screens dates for political affiliation and who says that whenever he gets weeping calls from retired constituents about too-expensive prescription drugs, he thinks to himself, "You should have saved more then, shouldn't you?" A year ago, he was gearing up for a life on the Hill; now, he's taking the LSAT and planning for law school. He won't vote for Bush this year, either, a choice he says was "unthinkable" 12 months ago.

"What's infuriating," he told me, "is that it's hard to know what the party stands for beyond defending a bunch of interests. I mean, look at the leadership—who do you have? Frist? Hack. DeLay? Hack. Hastert? Total hack. I can't figure out if the administration are hacks or just don't care. John Kerry's running on budget deficits—that's supposed to be our fucking issue." He started slamming his hand against the table. "In 15 years, the whole federal budget blows up because of Medicare, this ridiculous prescription-drug benefit that no one even likes, our taxes go through the roof, and the economy breaks down. And this time, it's gonna be our fault."

This has been the summer of Republican discontent—a rare moment of finger-pointing and introspection after some in the party began to examine the sum product of four years in power, and concluded that, judging by their own principles, the GOP should have done much, much better. In late May, the libertarian Cato Institute hosted a conference on the legacy of the Republican revolution of 1994, a decade later. Dick Armey, the retired House Majority leader, was decidedly glum. The party, he said, has reverted to "doing the wrong things so we can get reelected to the right thing." Newt Gingrich said that their revolution had halted in the late 1990s, when it had traded in ideology for interest groups. These were criticisms that Gingrich and Armey had been voicing privately for months, but such a public airing had a bracing effect. "When you want to talk to people outside of government to get perspective on how you're doing in terms of con-

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The shadows of supporters are cast on a wall as President Bush addresses a "Victory 2004" rally in September. *Photo by Paul J. Richards/Getty Images.*

servative principles, you talk to Gingrich, you talk to Armey, and maybe there's a third guy, but I can't think of him right now," a senior aide to a conservative Southern congressman told me in August. "People paid attention."

Within a month, the floodgates seemed to open. The right-wing pundit Robert Novak wrote a June column blasting "runaway spending" by Republicans in Congress. In a July speech before the National Press Club, Massachusetts Gov. Mitt Romney, often described as a possible '08 presidential candidate, tore into his party for a legislative attitude where "nothing can get done unless every Congressman has something to take back to his district." Meanwhile, on the Hill, internecine squabbles had stalled major legislation on energy, tax reform, and highway funds. *The Wall Street Journal*, interviewing House Speaker Dennis Hastert about the legislative logjam, caught him in a contemplative mood: "The American people don't want us pointing fingers," he told the paper. "They want us to do something."

Yet as Congress closed shop for the summer, divisions between Republicans had meant the House couldn't pass a 2005 budget, a depressing signal of failure. Meanwhile, the percentage of Americans who disapprove of the job being done by Congress, which had been hovering around 40 for the past five years, leapt to 52. Several polls taken in the spring and early summer showed that voters preferred Democratic positions to Republican ones on every single domestic policy issue. And the grinding, bloody fight in Iraq had some of the war's strongest GOP proponents throwing up their hands in disgust at the administration's failure to plan for the post-Saddam occupation. Indeed, by late summer, a few Republicans who could politically afford to—such as retiring Rep. Doug Bereuter (R-Neb.)—were openly questioning the wisdom of the whole venture, as were a majority of the American people.

With John Kerry still leading most campaign polls, conservative despair began to take on a more hysterical tone, and epic scope. "The era of small government is over," warned David Brooks in *The New York Times*, shortly before the Republican national convention. "We'll let slip a thinly disguised secret," wrote Andrew Ferguson in *The Weekly Standard*. "Republicans are supporting a candidate



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that relatively few of them find personally or politically appealing." Even Pat Buchanan, in his vampy style, warned of a coming "civil war" within the party.

Such open hostility subsided during the GOP convention, damped down by the balloons and the president's rising poll numbers. Still, the summer's feud was like a peek inside a volcano: It offered a glimpse of the eventual eruption. The attacks on the party and its leaders came, scattered but forceful, from all parts of the GOP; though most critics shared a bill of complaint, each faction had its own recipe for salvation. The Armey-Novak conservatives wanted the party to renew its commitment to the small-government principles of 1994 and 1980. Brooks and the moderates looked to 1904, to the strong government conservatism of Theodore Roosevelt. Both groups were wishing for a kind of soul transplant: If the party could just reclaim its essence, they hoped, the current drift might be resolved.

But both of these historical analogies are hopeful fantasies about what the GOP might someday become, not reasonable guesses at the near future. The truth is, for all its apparent strength, the modern Republican Party has worked itself into a position of profound and growing decay. Worried Republicans are right to look to the past to help sort out their future. But the right date isn't 1994 or 1904. It's the late 1970s—and the party to look at isn't the Republicans, but the Democrats. Like the Democrats of that period, the current version of the Republican Party is supremely powerful but ideologically incoherent, run largely by and for special interests and increasingly alienated from the broader voting public. Today's GOP is headed for a profound crackup. The only questions are when, exactly, the decline will start—and how long it will last.

## Full employment and oil shale

American political parties, like great empires, often seem strongest at the moment before they fall. Just as the principles and ideas that have built the new order triumph, their relevance and practicality begin to fade as new conditions emerge. Yet true believers will cling ever-tighter to the old ways of thought, and those who cling tightest are granted the greatest moral authority. Meanwhile, the constituencies that the ascendant party once rallied to its cause become powers unto themselves: parochial, imperious, demanding, and hard to discipline. Soon party leaders begin to confuse the agenda of their constituencies with the interests of the nation, and the act of governance becomes less a crafting of solutions than a division of the spoils.

This is the state of the GOP today, but it also describes the condition of the Democrats two-and-a-half decades ago. It can be hard to remember these days just how powerful and dominant the Democratic Party was in 1976. Like the Republicans in 2000, they had just elected as president a moderate, evangelical Southern governor, defeating the successor to a morally flawed president by promising to restore integrity to the Oval Office. Like the GOP today, the Democrats found themselves in control of all three branches of the federal government—the Democrats had near-veto-proof majorities in both chambers of Congress—as well as the majority of state legislatures. Organized labor, its power not yet decimated, was squarely in the Democratic camp, while the corporate lobbying sector offered significant support for the simple reason that Democrats ran everything. Just as the GOP in 2000 tended to look at the Clinton administration as an unfortunate detour on the road to a permanent Republican majority, so Democrats in 1976 looked back on the Nixon years as a temporary aberration from the natural order in Washington, one Democrats had and always would dominate. It wasn't just that the party was powerful; the Democrats, returning to the capital in the winter of 1977, thought their principles put them on the right side of history, and the country had come back around to seeing things their way.

But for all the party's political power and institutional strength, it was in an intellectual rut, returning again and again to ideas that had long ago stopped working. Like any party, the Democrats then were a coalition of factions. New Deal economic constituencies (labor, farmers, industrial and energy interests) coexisted with newer liberal-left, socially-conscious groups (environmentalists, rights-conscious black and Hispanic organizations, feminists, Naderites) that had emerged from the tumult of the 1960s. These various factions often disagreed vehemently. Environmentalists clashed with autoworkers over fuel-efficiency standards; building trade unions were at war with civil rights groups over affirmative action. Scoop Jackson Democrats wanted Washington to take a tougher line with our Soviet enemies; human rights doves wanted Washington to take a tougher line against our tyrannical allies, such as Ferdinand Marcos. What all of them could agree on, however, was the vital importance of big government. Each wanted more spending for its programs, more robust regulations, and a stronger hand for Washington in the market to restrain the forces that threatened its own interests. Big government was the glue that held the Democratic coalition together. It was also the moral cause that defined the party, and in 1976, that cause seemed beyond dispute. Even Richard Nixon had created the Environmental Protection Agency and instituted wage and price controls to fight inflation. The argument seemed over. Big government had won.

But of course, the argument was anything but over. An increasing number of voters were becoming aware that government was failing to make much headway against the major problems of the day. The economy remained weak, energy costs were rising, and social chaos was spreading in the cities. A few reform-minded Democrats and intellectuals were starting to rethink the premises of big government liberalism, to wonder if there might be less expensive and bureaucratic—and more effective—means to traditional liberal ends. Carter was inclined to agree with them.



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Political parties don't abandon their most cherished ideas, break with their most powerful interests, or dump their most entrenched leaders for high-minded civic reasons. They do so only when they lose elections.

But such thinking was anathema to the party's liberal leaders and most powerful interest groups, and they were positioned to stop it.

When Carter took over as president, the nation's most pressing—and consuming—problems were economic. Growth and worker productivity were low, unemployment and federal deficits were high and rising, and, by midway through the president's term, inflation and interest rates were compounding at more than 10 percent annually. Carter's plan was to balance the budget, slashing spending enough to also provide for a $15 billion tax cut which would act as an economic spur. Congress rejected the package, insisting instead on an economic stimulus package (which Carter reluctantly signed) consisting of $15 billion for public works projects, urban aid, and education, the kind of program that reeked of 1933. This pattern was repeated throughout Carter's term, as unions fought the president's calls for voluntary wage controls to combat inflation, and Congress resisted Carter's repeated attempts to balance the federal budget. The president proposed a budget for 1980 designed to restore fiscal austerity and cut spending to keep the deficit for that year under $30 billion. Congress insisted on restoring the cuts, and by the end of the process, the budget was more than $60 billion in the red.

The second great challenge the Democrats faced was an OPEC-induced surge in energy prices. Carter came in with some good and some bad ideas about how to alleviate the energy crisis. Democrats in Congress rebuffed the president's best plan—Carter's attempt to lift the price controls Richard Nixon had imposed on domestic energy. But congressional Democrats eagerly adopted his bad ideas, including the creation of the Department of Energy, which would become perhaps the most dysfunctional agency in Washington. House Speaker Tip O'Neill set up a task force to speed along passage of the authorizing bill, getting the agency running in a matter of months. Congress happily signed on in 1980 when Carter asked it to set up the Synthetic Fuels Corporation. The program ultimately spent $88 billion subsidizing American oil and gas companies to try to extract petroleum out of oil shale, an enterprise only slightly more cost-effective than trying to wring water from a stone. The SynFuels concept dispensed a lot of taxpayer money to a lot of Democratic interest groups but did nothing to solve the energy crisis.

The third major challenge was to halt the continuing increase in crime, poverty, and family breakdown, especially in the cities. Carter put forth a training program for AFDC recipients, an early stab at welfare reform. Congressional Democrats insisted instead on broadening the AFDC beneficiary rolls and threw in another public works program for good measure. Then lawmakers advanced the Humphrey-Hawkins act, a resolution that made government-guaranteed full employment the goal and policy of the United States—this even though no one knew how to guarantee full employment short of expanding expensive and corruption-prone government make-work efforts like the CETA program. The left-liberals held both political power and moral sway: When Reps. Ron Dellums (D-Calif.) and John Conyers (D-Mich.) walked out of meetings with the president because he wouldn't commit to full employment policies for urban blacks, they were cheered for their principle.

But Carter's downfall wasn't assured until a pair of foreign policy bungles in the year before the election. First, the Soviets invaded Afghanistan, which hawks charged was the result of the administration's soft attitude towards Moscow's military threat. Then, in November 1979, the Iranian revolutionaries who had just overthrown the U.S.-backed shah took about 90 hostages in the American embassy in Tehran. After initial negotiations stalled, the State Department, and the party's human rights liberals, wanted Carter to talk with the hostage takers. The Defense Department, and the party's hawkish wing, wanted the president to bomb Iran to force the revolutionaries to give up the hostages. Carter tried a middle course, the disastrous helicopter rescue mission known as Desert One. These two foreign policy failures proved the last straw for neoconservatives and many national security voters, convincing them that the Democratic Party was simply too weak and compromised to defend effectively the nation and helping to drive them to the Republicans.

By 1980, many liberals were in open revolt against Carter, abandoning him to support Ted Kennedy's ultimately-doomed primary challenge even as the public was sending unmistakable signals that it was sick of Kennedy-style big government. The number of Americans who agreed with the statement that "the best government is one which governs least" had risen from 32 percent in 1973 to 59 percent in 1981, and liberal posi-



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American political parties, like great empires, often seem strongest at the moment before they fall.

tions on crime and welfare were similarly unpopular. Towards the end of his term, Carter did manage to push through his energy deregulation legislation and to install the monetarist Paul Volcker as Fed chairman. These acts eventually succeeded in bringing down oil prices and the inflation rate—to the political benefit of Carter's successor, Ronald Reagan.

## Earmarks and zygotes

Fast-forward a couple of decades, swap a few particulars, and the same patterns fit the current state of the Republican Party in Washington. The GOP came in to office in 2001 with control of all branches of government, and with a similar confidence in their long-term prospects. Over the last few years, such party operatives as Karl Rove, Grover Norquist, and Tom DeLay have cowed Democrats with chesty, blustering talk about a "permanent majority." But like the Democrats circa '76, Republicans entered Washington three years ago under an ideological banner that had already lost its relevance to most Americans.

Twenty years earlier, a policy agenda of tax cuts and smaller government made practical sense for the country. Reagan succeeded in cutting taxes, and his successors, George H.W. Bush and Bill Clinton, eventually got government spending under control. By the 2000 election, upper-bracket tax rates had been steady for two decades at a rate far lower than they were through most of the previous 50 years, and the federal government's share of GDP was 18.4 percent, well below where it had been during the Reagan administration. While short-term, broad-based tax cuts still made sense as a recession-fighter, the big challenges America faced—chiefly the unrecognized danger of terrorism and the coming retirement of the baby boom generation—could not be solved with further tax and spending cuts. If anything, the opposite would be called for.

But this budgetary reality had little effect on the movement conservatives who by 2001 dominated the Republican Party. Instead, they embraced the small-government/low taxes paradigm even more tightly, with a moralistic fervor not unlike that which moved liberals in the 1970s to a ferocious defense of big government and high taxes against all logic. Politically, cutting taxes provided for Republicans a unifying force similar to that which spending had provided the Democrats: It was the one policy that almost every part of the often-fractious GOP coalition—libertarians, cultural conservatives, multinationals, small business owners, investors in Wall Street, the energy sector—could agree on. And for the party's strategists, tax cuts were the route to a permanent GOP majority. The promise of a new rate reduction every year—first rate reductions, then dividend cuts, then corporate breaks—would keep K Street pliable. And eventually, a shift in the tax burden from the wealthy and corporations onto the backs of the middle class would (or so the theory held) cool voter demand for more government, thereby undermining the Democrats' reason for being.

Whether or not the GOP's tax strategy will pay dividends this fall is hard to say. On the one hand, the president has been able to warn voters that Kerry will raise taxes (which he will, on upper-income Americans). On the other, $3.25 trillion in long-term tax cuts, mostly for the wealthy, has yielded what has so far been at best an anemic recovery and a half-trillion dollars in structural deficits as far as anyone can reasonably predict. This has meant that voters, by September, preferred a Democrat on the economy over a Republican by 54 percent to 37 percent. The rejection even extends to tax cuts, historically the domestic topic on which the GOP scores the biggest advantage; Gallup polls throughout the summer found voters preferring Kerry to Bush on the issue.

Meanwhile, as tax receipts have plummeted, federal spending has increased by more than 6 percent per year since 2000. Most, if not all, of this spending—for the military, for homeland security, and for prescription drugs for seniors—was necessary and had broad public support. Yet it has panicked conservatives, who cannot accept the historical reality that, as Sebastian Mallaby wrote in these pages last month, when advanced societies grow wealthier, the share of GDP devoted to government inevitably increases ("The Deficit Conquers All," September 2004).

Instead of facing this reality, the average congressional Republican has acted like a preacher hooked on prostitutes, publicly inveighing against the sin while personally wallowing in it. There is no greater measure of spending indiscipline than "earmarks," targeted spending provisions attached to appropriations bill. The number of earmarks has tripled since Republicans took control of the House of Representatives in 1994.

Further crippling the GOP's spending discipline has been the same tendency that affected the Democrats two decades ago: confusing the agendas of its favored interest groups with the interests of the public at large. Where the Democrats created ineffective public works bills and the ludicrous SynFuels program, the Republicans have put forth an energy bill that has collapsed under the weight of its own energy-sector subsidies, and a Medicare prescription-drug benefit so indulgent of the pharmaceutical and HMO lobbies that barely a quarter of seniors support the bill. Meanwhile, energy costs remain high, Medicare premiums are rising, and polls show that on energy and health-care issues, voters prefer Democrats to Republicans by wide margins.



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Two decades ago, Democrats granted moral authority to identity-group liberals, who, in their admirable zeal to fight discrimination, soft-peddled evidence that the country was growing more tolerant, and refused to consider that factors other than racism might explain, say, lagging minority test scores. As a result, Democrats defended unpopular quota-style affirmative-action programs and bilingual education. Today, Republicans bow to the supposed moral superiority of Christian conservatives, who, though living in the most religiously-minded and tolerant country on earth, persist in feeling persecuted. The GOP lets these groups lead them by the nose—even when, as on stem cell research, it puts them in the position of defending the unpopular and morally dubious argument that millions of Parkinson's patients should be denied a major hope for a cure in order to prevent the destruction of a few zygotes with zero chance of ever becoming humans. Two decades ago, Carter's overly cautious foreign policy helped convince millions of security-minded Democrats to abandon the party. Now, Bush's incautious foreign policy may be driving millions of Republicans the other way.

## The Republican Mondale

Of course, Carter and Bush are not necessarily bound to the same fate, in part because of their very different personal characteristics. Carter was a micromanager who, while president, famously drew up a schedule for the White House tennis court; Bush says he doesn't bother to read the newspapers. Carter governed by consensus and was prone to abrupt policy changes; Bush makes snap judgments and rarely changes course. But the greatest difference between the two, and the one with perhaps most enduring consequences, lies in their attitude towards the self-destructive, retrograde tendencies within their own parties.

Jimmy Carter fought against his party's worst instincts, lost, and in losing made himself look weak. His failure to win reelection convinced his party's liberal wing not that they should have been more open to Carter's reforms, but that they had been right all along. In 1984, Democrats rejected the progressive centrist presidential bid of Gary Hart in favor of liberal stalwart Walter Mondale, who in turn chose as running-mate a liberal New York congresswoman, Geraldine Ferraro, to form a ticket that carried one state in 50. By 1988, the Democratic landscape started to shift; the party nominated a pragmatist governor, Michael Dukakis, and a conservative Texas senator, Lloyd Bentsen, as his running mate. But Dukakis, tone-deaf on crime and defense, fit too easily into a right-wingers' caricature of a Northern liberal, and he, too, lost badly. It wasn't until 1992 that the party finally put a Southern centrist, Bill Clinton, at the top of the ticket. And it took Clinton eight years of cajoling and fighting with his party's liberal base (who put up big fights over welfare reform and the president's fiscal conservatism) to put the Democrats more-or-less squarely behind moderate policies. Changing a party takes time.

By contrast, George Bush has embraced his party's worst instincts, thereby winning its support and making himself look strong. This image of strength, plus an ineffective opponent, might be enough to win him reelection. But ironically, a Bush win will have the same effect on the GOP as Carter's loss had on the Democrats: It will convince the ideologues that they were right. For that reason, moderate Republicans who truly want to take back their party must secretly hope—indeed, many do—that Bush loses.

A different kind of GOP isn't hard to imagine, at least in the abstract. In *The New York Times Magazine* last month, David Brooks sketched out a reasonable vision of what he calls "progressive conservatism." Brooks wants the GOP to embrace a slightly larger government, to value balanced budgets as highly as low taxes, to stop doing so many favors for business, and to focus on entitlement reform, national service, improving teacher quality, and promoting marriage in the ghetto. This is the vision of the Republican Party that belongs chiefly to its rump reformist wing: John McCain, Colin Powell, Rudy Giuliani, and others. It's not a bad platform, and Brooks is probably right that the Republicans would command more votes and run the country better if they hewed more closely to it.

But there are two problems with this vision. First, Brooks's "progressive conservatism" is far closer to the majority Democratic position than the Republican one. Second, it is almost impossible to see the current GOP accepting it any time soon, even if Bush loses in November. A Bush defeat—especially if it is accompanied by Republican loss of the Senate—would certainly lead to some version of the "civil war" Pat Buchanan and others have warned of. In that war, McCain and other moderates will enjoy some "I told you so" authority. But it is hard to exaggerate how weak, small, and out of step the moderates are with the rest of the party machinery—even with those who are furious with the GOP leadership. It's hard to imagine Tom DeLay waking up in January and suddenly deciding to become a champion of bipartisanship. Dennis Hastert and Bill Frist are probably not going to stop giving business lobbies the run of Congress—with two decades of history and habit pointing them the other way. The Cato Institute and the Heritage Foundation are not likely to abandon the low-tax/small government agenda that lured all of their scholars and is written into their bylaws. Sean Hannity and Rush Limbaugh aren't suddenly going to turn into reasoning pragmatists, even-handedly comparing economic models and different proposals for school reform. Perhaps most importantly, with virtually all of Congress running for reelection in politically safe districts where they need only draw the votes of stalwarts, it's hard to imagine GOP voters insisting on an immediate, rapid change in ideological direction.

Political parties don't abandon their most cherished ideas, break with their most powerful interests, or dump their most entrenched leaders for high-minded civic reasons. They do so only when they lose elections again, and again, and again. And if history's any guide, that is going to be the eventual fate of today's Republican Party. ◆



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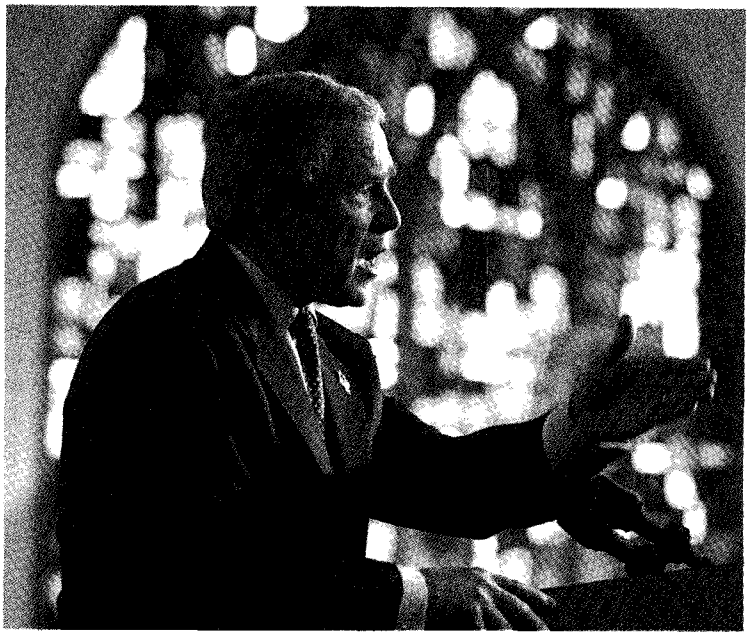
# Faith Without Works

## After four years, the president's faith-based policies have proven to be neither compassionate nor conservative.

**By Amy Sullivan**



When George W. Bush first hit the national political scene in the crowded field for the 2000 Republican nomination, what made him different, what made even liberal Americans take a second look, was his declaration that he was a "compassionate conservative." Unlike the flinty old conservatives of the past, Bush explained, a compassionate conservative would not be afraid to harness the power of government to minister to the unfortunate. But unlike traditional liberal Democrats, who relied on fumbling government bureaucracies, a compassionate conservative would empower and fund the charitable sector, particularly religious groups, to help those in need.

This breakthrough political slogan was embodied by a "faith-based initiative" that Bush talked about incessantly on the campaign trail and rolled out within the first month of taking over the White House. And Bush's image as a different kind of Republican was only reinforced by the tableau of black pastors, conservative evangelical leaders, and liberal crusaders for social justice who gathered around him as he introduced his faith-based domestic policy. The first part of the initiative sought to make it easier for religious organizations to get government grants to provide social services. Trumpeting the success of faith-based groups in Texas that ran drug rehabilitation and prison counseling programs, Bush argued that religious organizations could outperform their secular equivalents and so should be allowed to compete for the same government funds. The policy's second aspect was a proposed tax break to make it worthwhile for individuals to contribute more of their money to charities. By allowing non-itemizers (70 percent of taxpayers) to deduct their charitable contributions, the proposal could infuse as much as $80 billion into the charitable sector. Together, the two ideas embraced classic conservative principles: honoring the unique ability of religious organizations to help those in need, and empowering individuals in the civil sector instead of government.

Four years later, Bush's compassionate conservatism has turned out to be neither compassionate nor conservative. The policy of funding the work of faith-based organizations

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has, in the face of slashed social service budgets, devolved into a small pork-barrel program that offers token grants to the religious constituencies in Karl Rove's electoral plan for 2004 while making almost no effort to monitor their effectiveness. Meanwhile, the plan to extend tax credits for charitable giving has gone nowhere, despite the three enormous tax cut packages Bush has signed. Like any number of this administration's policies, the faith-based initiative has been so ill-considered, so utterly sacrificed to political expediency, and carried out with so little regard for the problems it was supposed to solve, that it bears only the faintest resemblance to the political philosophy it was supposed to embody. The history of the faith-based initiative tells us little about what could have been a truly innovative social policy, but speaks volumes about the cynical politics of the Bush administration.

## Blind faith

From the very beginning, Bush has argued that faith-based groups should be judged on their results, and he insists that they do work better. The difference, he contends, is that they do more than simply minister to physical needs. On the campaign trail in the summer of 2000, Bush told audiences that religious organizations succeed where others fail "because they change hearts, they convince a person to turn their life over to Christ." Whenever "my administration sees a responsibility to help people," he promised, "we will look first to faith-based organizations that have shown their ability to save and change lives." Bush had little empirical evidence to back up the claim that religious organizations were more effective. But he relentlessly talked of two seemingly-promising programs that the Texas state government had supported while he was governor. One was Teen Challenge, a drug rehabilitation program that claimed an astonishing 86 percent success rate. The other was InnerChange, a counseling program for prisoners that boasted impressively low levels of recidivism among its graduates. Certain critics raised questions about the reliability of the studies that produced these figures. But Bush kept repeating the claims, and most of the press corps passed them along uncritically.

Once in office, Bush wasted no time setting up a new bureaucratic structure to cater specifically to the needs of faith-based groups. He created a White House Office of Faith-Based and Community Initiatives and appointed political scientist John DiIulio (a Democrat) to run it before his first week was out; soon after, the White House sent proposed legislation to Congress that would expand federal grant eligibility to religious groups. But the proposal came loaded with a number of controversial provisions, including giving religious contractors the right not to hire employees of a different faith, a clear violation of federal anti-discrimination statutes. When the legislation, which DiIulio himself described as "an absolute political non-starter," went nowhere, Bush didn't bat an eye. He simply pulled out his pen and implemented his idea via a series of executive orders instead.

Critics worried that faith-based groups would be unduly privileged in the newly expanded grant-making world. For them, Bush had one word: results, results, results. In an interview with the religious Web site Beliefnet, he was asked whether he would support government money going to a Muslim group that taught prisoners the Koran. "The question I'd be asking," Bush replied, "is what are the recidivism rates? Is it working? I wouldn't object at all if the program worked." Four more times in the interview, Bush mentioned "results," noting that instead of promoting religion, "I'm promoting lower recidivism rates, and we will measure to make sure that's the case."

This rhetoric matched the administration's focus in other policy areas—like education—on accountability. Conservatives traditionally criticize government programs for throwing good money after bad, rewarding those who have not proven themselves effective with hard numbers like higher test scores, lower poverty rates, or reduced recidivism. Mel Martinez, Secretary of Housing and Urban Development, echoed the results-oriented sentiment in December 2002, telling an audience that "faith-based organizations should be judged on one central question: Do they work?" Conservatives thought they already knew the answer. "The fact is, we don't just suspect that faith-based programs work best," said Tucker Carlson on "Crossfire", "we know it."

Actually, we knew no such thing. But now we've had four years to measure results and reach a conclusion. Unfortunately, in the midst of all of the instructions included in the various executive orders, it turns out that the Bush administration forgot to require evaluation of organizations that receive government grants. According to a study released by the Pew-funded Roundtable on Religion and Social Welfare Policy in August 2004, "while more elaborate scientific studies are underway, the White House has relied on largely anecdotal evidence to support the view that faith-based approaches produce better long-term results." The accountability president has chosen not to direct any money toward figuring out whether faith-based approaches really work.

So it's a good thing that some academics and private organizations have picked up the slack. In the last few years, a few studies have looked at both faith-based and secular social service providers, and they have particularly tried to replicate the incredible results boasted by the model Texas programs. The verdict? There is no evidence that faith-based organizations work better than their secular counterparts; and, in some cases, they are actually less effective. In one study funded by the Ford Foundation, investigators found that faith-based job training programs placed only 31 percent of their clients in full-time employment while the number for secular organizations was 53 percent. And Teen Challenge's much ballyhooed 86 percent rehabilitation rate falls apart under examination—the number doesn't include those who dropped out of Teen Challenge and relies on a disturbingly small sample of those graduates who self-reported whether they had remained sober, significantly tilting the results.

It will take several more years to rigorously scrutinize the relative abilities of faith-based and secular organizations to provide effective social services, so it is impossible to know whether these initial findings are true across the board. And maybe in a perfect world it would be worth testing Bush's



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hunch and giving faith-based groups access to funds in the effort to alleviate poverty and other social problems. The problem is that, under the Bush administration, the overall pot of money for social services has shrunk considerably. This means that well-established organizations that have provided services for decades are now competing with—and, in some cases, being displaced by—unproven, often less-successful groups, inflicting a double whammy upon the people who really need the help.

## The chosen ones

The fact that there is no proof that faith-based programs are more effective has not stopped the president from claiming that they are. But, as he has in other areas—take the ever-changing rationale for invading Iraq—Bush simply shifts his emphasis when one argument begins to lose luster. These days, he is most likely to promote the faith-based initiative by contending that religious groups have been discriminated against and merely deserve the same chances that everyone else has. To lay the groundwork for this point, the administration published a report in the summer of 2001 assessing the "barriers" to government cooperation with religious groups. Titled "Unlevel Playing Field," this audit of federal agencies argued that faith-based organizations have been unfairly locked out of participation in government programs simply because of their religious nature.

And, in fact, federal policy has not always been blind to religious character. This is often for good reason—the Constitution prohibits government promotion of religion—but it sometimes seems arbitrary. In 2001, for example, after an earthquake struck Seattle, a number of groups applied for FEMA funds to rebuild structures, particularly historic buildings in the downtown district. When members of a synagogue applied for money, however, they were initially turned down because FEMA regulations didn't allow government funds to go toward the construction of houses of worship. After the group lodged a complaint, the rules were changed to make religious communities eligible for aid to rebuild their damaged structures. So the concern isn't entirely misplaced.

Yet despite some unfair kinks in federal contracting procedures, the truth is that the playing field isn't all that slanted against faith-based groups. Organizations like Catholic Charities and Lutheran Social Services have been mainstay providers of social services and have received government funding for decades. Instead of acknowledging this fact, the administration indulges in rhetoric that is almost a parody of left-wing identity politics—including making false accusations of discrimination. For example, the Department of Housing and Urban Development's audit of its dealings with religious groups reports that no faith-based organizations received funding under the department's $20 million Self-Help Homeownership Opportunity Program. HUD apparently forgot that Habitat for Humanity—which has received over half of that program's total funding in recent years—is a faith-based organization. The same report concludes that religious organizations were "banned" from being owners of housing projects under a Section 202 housing program for the elderly. Again, religious groups have comprised more than two-thirds of the program's sponsoring organizations during the program's 35-year history.

Far from offsetting any serious anti-religious discrimination, the new faith-based grant program seems to have devolved into a religious version of race-based set-aside programs. As *The American Prospect* first reported last spring, some states that are responsible for dispersing federal social service grants have altered their grant applications to include a box that potential grantees should check to indicate whether they are faith-based. In Massachusetts, several long-time recipients of funds for programs to help veterans learned the hard way that failure to check that box leads to the sudden denial of cash. When they identified themselves as "faith-based" the next time around, their applications were, not surprisingly, approved.

Some Bush officials are alarmingly honest about this quota-like system. When I asked Courtney McCormick, deputy director of the Department of Agriculture's faith-based office, what steps the administration is taking to track the effectiveness of faith-based grantees, she candidly replied, "That's not our concern." What they do care about, she said, is "getting more churches and community groups through the door to get access to funding."

## Foiled by the death tax

The total absence of accountability for faith-based grantees and the institution of affirmative action for religious groups may seem like an abandonment of conservative principles. And it is. But that's small potatoes compared to what the Bush administration has done to the most conservative piece of the faith-based initiative—a plan to encourage charitable donations through private giving that could have revolutionized the world of social service organizations far more than the expansion of federal grant eligibility has done.

Currently, only individuals who itemize their taxes (usually those at the higher end of the income scale) are entitled to deduct their donations to charitable organizations. Bush's proposal was simple: Allow the nearly 85 million non-itemizers to take a charitable tax deduction, while also increasing the amount of money corporations can give tax-free to charities and permitting tax-free charitable donations from individual retirement accounts.

The president and his colleagues endorsed the idea as a way to equalize the tax code and promote a "culture of giving." Proclaimed then-candidate Bush in 1999: "We will encourage an outpouring of giving in America... encouraging giving by everyone in our society, not just the wealthy." Shortly after Bush took office, his top economic advisor, Larry Lindsey, laid out the plan at a White House press conference and explained, "We think that's an important part of solving America's social problems: not just giving it [the deduction] to roughly the 33 percent richest taxpayers, but to all taxpayers." At its core, the charitable giving proposal reflected a classic conservative belief that the best way to alleviate poverty and social ills is through private giving and civil society, not government programs. But liberals liked the idea



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as well because it finally acknowledged what they had been pointing out for years—while the largest share of charitable contributions may come from the very wealthy, when you look at the percentage of total wealth that individuals donate, Americans at the lowest end of the income scale give the most, an empirical illustration of the biblical "widow's mite" story. And they couldn't ignore the fact that a study by the group Independent Sector predicted the plan (which would cost an estimated $20 billion) would spur $80 billion in new donations to charity.

Potential givers and recipients lobbied on behalf of the plan, which the White House sent to Congress in early 2001 as part of its faith-based legislation. Universities, fund-raising associations, religious groups, advocates for the poor, and corporate lobbyists all urged that the provision be included in the tax plan barreling through the usually sluggish legislative process on the Hill. Quickly incorporated, the charitable giving provision seemed destined for speedy enactment and flew through both houses of Congress.

And then the plan that everybody liked, that would have unleashed the armies of compassion with an injection of eighty billion new dollars, ran into one insurmountable obstacle: greed. When congressional and White House negotiators sat down to iron out the differences in the two separate tax cut bills that had been approved by the House and Senate in the spring of 2001, they were faced with a price tag that topped $1 trillion. Fiscal conservatives started to balk, protesting that the cost was simply too high. Something had to go. Sitting next to each other on the potential chopping block were reductions in the tax rate, the repeal of the estate tax, and the charitable giving proposal. The choice for Republicans was, in the end, simple.

"In reality, the bottom line was that their priorities were in the rates, the death tax, marriage penalty, and the child credit," a senior Republican staffer told *The Washington Post* at the time. The charitable tax deductions were "never high on anyone's list," including the White House's. A Democratic aide involved in the negotiations agreed: "There wasn't a lot of push coming from the White House." Even worse, for advocates of charitable giving, was the fact that the repeal of the estate tax was expected to *hurt* charities by depriving them of an estimated $6 billion each year from bequests, a traditional way of getting around tax payments.

DiIulio was outraged, according to a source, by the political calculations which had tossed the charitable deduction overboard in favor of repealing the estate tax; he left his position at the White House in disgust just a few months later, telling *Esquire* writer Ron Suskind that "what you've got is everything, and I mean everything, being run by the political arm."

The White House assured supporters of their initiative that this was only a temporary set-back. "The president is hopeful this will happen," said press secretary Ari Fleischer soon after the deal was cut. "It's the right thing to do." Right or not, two additional tax bills came and went without charitable deductions. Hoping to capitalize on the proposal's popularity, Republicans reattached it to the broader faith-based legislation to expand grant eligibility to faith-based organizations and exempt those groups from restrictions against discrimination in hiring. "There was some sentiment in the House and the Senate that this was such a positive thing with legs that you could attach other things to it, and it would carry them along," Stanley-Carlson-Thies, who served as DiIulio's deputy at the White House, explained to me. What they found, however, was that "opposition to some of the religious hiring stuff was so strong that it put an anchor on the private giving instead." And so the faith-based bill languished for the rest of the congressional session.

In 2003, Republicans finally separated the charitable giving plan and introduced it as a stand-alone bill that passed both houses with overwhelming support (the House version received 408 votes, the Senate garnered 95). But the bill has hit another roadblock as a result of the political hardball Republicans have played over the last few years. Incensed after they were effectively shut out of the conference committee on Medicare, Democrats have now refused to take part in any more negotiations that aren't conducted fairly. Instead of pulling rank to order congressional Republicans to play nice and work out their differences on the charitable giving legislation, Bush has backed off, choosing to focus on other priorities. "The White House has not pushed this bill," says one lobbyist for a religious organization. "They could have it if they wanted it."

In the meantime, Bush never misses an opportunity on the stump to remind voters that religious groups are now receiving $1 billion more in grants than they did four years ago as a result of faith-based initiative. It's not nothing, but it's also not much. Compared to the $80 billion they could be receiving through private giving, his boast can't help but seem like Dr. Evil's preening "one meeelion dollars."

## A different kind of Republican

On the third night of the Republican convention, one of the many gauzy "W." video-mercials that appeared on giant screens in the middle of Madison Square Garden during slow stretches featured images of Bush surrounded by people of color, while in a voiceover the president reminded viewers, "I rallied the armies of compassion." More than with any other piece of his domestic policy agenda, Bush has linked himself personally to the faith-based initiative. During a campaign stop in March, he told a crowd of religious leaders that he—and he alone—was responsible for the changes that have taken place. "Congress wouldn't act," Bush said, "so I signed an executive order—that means I did it on my own."

And so he did. Bush alone is responsible for supporting the distribution of taxpayer dollars without requiring proof that the funding produces results, for establishing a new government bureaucracy to give special help to a "discriminated" community that has always been on equal footing with everyone else, and for encouraging religious organizations to rely on government funding instead of encouraging private donations. It turns out that a "compassionate conservative" is a different kind of Republican after all. Just not the kind we expected. ◆



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# Research and Destroy

## How the religious right promotes its own "experts" to combat mainstream science.

**By Chris Mooney**

Ever since he was a kid, Joel Brind found himself drawn to science. In 1961, when he was 10, Brind got his hands on a *Life* magazine story about the electron microscope and the fresh window it had opened onto the cell and its curiously shaped organelles. "Then and there I decided to become a biochemist," Brind recalled in a 2000 essay in *Physician* magazine, a publication of Focus on the Family, a leading religious right group. You see, Brind may have received his biochemistry Ph.D. from New York University in 1981, but he passed a far more important personal milestone four years later when he found Jesus. Soon Brind recognized the "noble task" God had chosen for him. He would prove the biological connection between having an abortion and contracting breast cancer later in life, thereby dissuading countless women from killing their unborn children. "With a new belief in a meaningful universe, I felt compelled to use science for its noblest, life-saving purpose," Brind wrote.

Brind, now a professor of biology and endocrinology at Baruch College of the City University of New York, had an uphill battle ahead of him. Studies dating back to 1957 had found varying results on whether abortion raises the risk of breast cancer, but scientists frequently cited methodological flaws in the positive studies. Then in 1997, the *New England Journal of Medicine* published a massive study of 1.5 million women in Denmark that found no connection, more or less closing the door on the so-called "ABC link." "The scientific community felt this was by far the best study that had been done to date, and really settled the issue," says Lynn Rosenberg, an epidemiologist at Boston University who has participated in the ABC debate.

But that didn't stop Brind, who continued to insist that the ABC link was alive and well. Though he does not appear to have published any original research on the question, Brind—who did not return calls for this article—became a prolific writer of letters to academic journals and of articles in pro-life newsletters. In 1999, he even co-founded a think tank, the innocuously named Breast Cancer Prevention Institute, to promote his theory. Even as mainstream scientists were discarding the earlier pro-ABC studies, Brind's PR initiative started to drive policy. Pushed by pro-lifers, several states—including Texas, Kansas, and Minnesota—now require health-care providers to inform women about breast cancer risks before performing an abortion. In Washington, conservative politicians also embraced Brind's "science." His biggest coup came in 2002 when, following a letter from Rep. Chris Smith (R-N.J.) and other pro-life members of Congress, the National Cancer Institute altered an online fact sheet that had discounted abortion breast cancer risks, updating it to suggest that studies were inconclusive.

Brind's story provides a case study in how religious conservatives have shifted gears in their battles over science and policy. Instead of simply lecturing about the moral evils of abortion, they've increasingly depicted the procedure as damaging to women's health. And on a range of other issues, Christian conservatives have similarly adopted the veneer of scientific and technical expertise instead of merely asserting their heartfelt beliefs. Their claims—that abortion causes mental problems in women, that condoms aren't very effective in preventing HIV and other sexually transmitted diseases, that adult stem cells have more research promise than embryonic ones, and so on—now frequently comprise the

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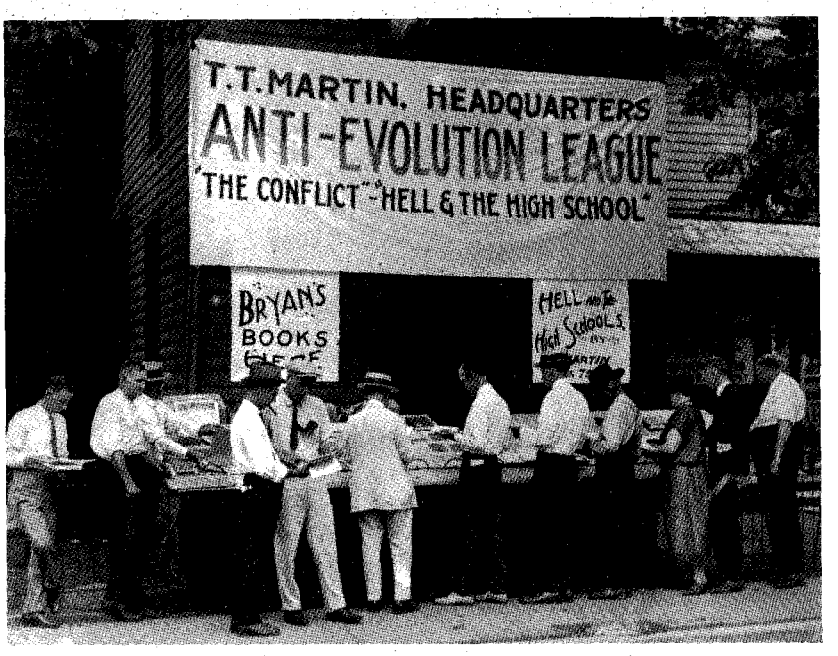
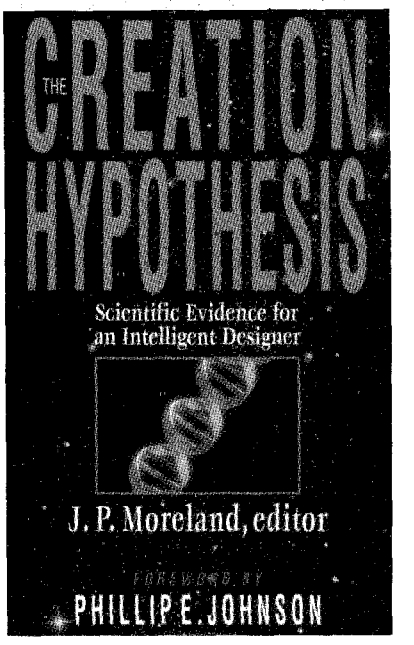



1925: Anti-evolution books (here on sale in Dayton, Tenn., site of Scopes "Monkey" Trial).




2004: "Intelligent design" books

right's chief arguments on these issues. Granted, the Christian right's new "science" generally remains on the fringe of the scientific community. But since conservative funders have managed to underwrite a variety of think tanks and advocacy groups that push these arguments, it has nevertheless influenced policy at the state and federal level.

Developing an arsenal of scientific arguments may represent a strategic innovation for the religious right. But Brind's attempts to prove a link between abortion and breast cancer also show how this new tactic can backfire. When NCI changed its breast cancer fact sheet in response to conservative advocacy, the institute met with howls of outrage from breast cancer advocates. Under public pressure, NCI then assembled a workshop of over 100 experts to reinvestigate the alleged link between abortion and breast cancer. Brind was the sole dissenter. Soon afterward, the group reaffirmed that abortion "is not associated with an increase in breast cancer risk."

So while Brind may carry on his crusade through non-scientific channels, he's clearly lost the scientific debate. Moreover, the NCI incident has contributed to an unprecedented mobilization among scientists eager to flex some policy clout. Already, scores of Nobel laureates have endorsed John Kerry for president, and the politicization of science, especially with regard to embryonic stem-cell research, may turn out to be among the more potent issues Democrats use against George W. Bush. Pursuing analogies to mainstream science was supposed to lend newfound legitimacy and strength to religious conservatism. But in the long run, it might just doom those who invoke such techniques to defeat.

## The id of ID

To understand how the religious right got science, it helps to examine the long-running battle over evolution. Though evolutionary theory has been controversial ever since the 1859 publication of Darwin's *On the Origin of Species*, what we now call creationism—America's religiously inspired anti-evolution movement—had its origins in the early decades of the 20th century, when Protestant fundamentalists such as William Jennings Bryan thumped their Bibles and denounced the spread of evolutionism. Following the famed Scopes Trial of 1925, evolution largely vanished from American science textbooks until the late 1950s, when a post-Sputnik emphasis on science education brought it back with a vengeance. As the political climate changed, creationists also experienced a string of court defeats, notably the U.S. Supreme Court's 1968 ruling in *Epperson v. Arkansas*, which declared unconstitutional outright bans on the teaching of evolution.

Soon creationists adopted a new strategy, arguing on secular and scientific grounds for the incorporation of creationism alongside evolution in school curricula. "What they had to do was pretend that it was a science and that it should be given equal time," explains Stephen Brush, a science historian at the University of Maryland. The core tenet of "creation science" emerged from the mind of George McCready Price, a Seventh-day Adventist who had little scientific training but felt God had instructed him to enter what he called the "unworked field" of evolutionary geology. Price acknowledged the existence of an extensive fossil record, but argued that all fossils had been created during a catastrophic worldwide deluge—that is, the Biblical flood from which Noah escaped in his ark.

This claim was, to put it mildly, highly dubious. But it nonetheless allowed creationists to position themselves as believers in an alternative scientific theory rather than mere religious dogma. As leading creationist Henry Morris argued in his 1974 book, *Scientific Creationism*, creationism could be taught "without reference to the book of Genesis or to other religious literature or religious doctrines." (Morris managed to cover his bases, publishing two versions of his book—a secular edition for public schools and a religious one that cited Scripture.) In the 1960s and 1970s, organizations and think tanks such as the Creation Research Society and later



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the Institute for Creation Research sprang up to support creation science, while researchers affiliated with these groups published books for popular audiences and pushed their theories to the press without the pressures of peer review or academic rigor.

But though creation science found a few willing dupes in Washington—including Ronald Reagan, who in 1980 declared evolution "a scientific theory only"—it didn't sway the courts. In 1987, the Supreme Court ruled that a Louisiana law requiring the teaching of creation science alongside evolution violated the First Amendment's establishment clause by promoting religion. Instrumental in the case was a statement from the real scientists: 72 Nobel laureates signed an amicus brief favoring the overturn of Louisiana's "equal time" law, and arguing that "teaching religious ideas mislabeled as science is detrimental to scientific education."

But anti-evolutionists didn't abandon their strategy. Instead, they stripped their ideas still further of any religious content while jacking up the scientific rhetoric. Key to their efforts was the repackaging of a concept with a respectable philosophical lineage, once called "natural theology" but now known as "intelligent design" (ID). In a cosmological sense, intelligent design proponents hold that the universe itself shows proof of God's handiwork, a claim naturalistic science can neither confirm nor refute. But in the hands of religious conservatives, intelligent design eclipsed creation science as the main challenge to evolutionary theory, with proponents arguing that they can detect scientific proof of "design" in living creatures and that evolutionists themselves are "religiously" addicted to an atheistic worldview.

ID has moved into the public debate via one well-funded think-tank, Seattle's Discovery Institute, founded in 1990 by a former Reagan administration official and generously funded by financial backers of other religious right causes. As with creation science, ID's most credentialed practitioners appear motivated by theology rather than research. Leading proponent Jonathan Wells, for instance, is a member of the Unification Church and has written that the words of the Rev. Sun Myung Moon helped convince him to "devote my life to destroying Darwinism"—the reason, according to Wells, that he attended the University of California at Berkeley to obtain a second Ph.D. in biology (his first was in theology). After receiving his second doctorate, Wells quickly began "writing articles critical of Darwinism," according to an article he published on a Unificationist Web site, although he doesn't seem too interested in peer-reviewed research. In a 2001 interview shortly after publishing his book *Icons of Evolution: Science or Myth?*, Wells said "I am not now doing laboratory research. I have begun several ... experimental projects, but they are on hold until the current controversy is resolved." True scientists, of course, tend to think that research is how you resolve such controversies.

Although the arguments for intelligent design have enjoyed some influence among religiously-inclined mathematicians and philosophers, they have failed to convince its core scientific audience: working biologists. As Brown University biologist Kenneth Miller, himself a practicing Catholic, has put it, "The scientific community has not embraced the explanation of design because it is quite clear, on the basis of the evidence, that it is wrong." Nevertheless, ID proponents have deployed across the nation arguing that we should "teach the controversy" over evolution by allowing ID-style "scientific" critiques into classrooms. Given its clear religious motivations, ID ultimately seems destined to suffer the same legal fate as creationism. But in the meantime, it has sparked controversy and school board battles in states ranging from Ohio to Montana.

## Steered science

Intelligent design proponents aren't the only religious conservatives who have adopted the trappings of science. Take David Reardon, an Illinois-based researcher who during the 1980s set out to prove that abortion causes mental illness, chemical dependency, and a range of other poor health outcomes in women. It's true that women sometimes feel temporarily depressed or guilty after an abortion. But the notion that abortion regularly causes severe or clinical mental problems has been rejected by, among others, a group of experts convened by the American Psychological Association and Ronald Reagan's surgeon general, C. Everett Koop. (See sidebar.)

Reardon first emerged on the intellectual scene in 1987 with a book titled *Aborted Women, Silent No More*, a review of the "evidence" on abortion's after-effects that included testimonies from women who had undergone post-abortion religious conversions. The next year, Reardon founded his own quasi-academic think tank, the Elliot Institute for Social Sciences Research. At the time, Reardon had a background in electronic engineering; he's since acquired a Ph.D. in biomedical ethics from Pacific Western University, an unaccredited correspondence school offering no classroom instruction.

Over the years, Reardon has managed to publish a number of abortion-related papers in scientific journals. But at best, he has been able to show correlations between abortion and, say, depression or alcoholism—not causation. In a 2003 study in the *Canadian Medical Association Journal*, for instance, Reardon and co-authors reported that women who undergo abortions end up being admitted for psychiatric care more frequently than those who do not. But as numerous critics pointed out, that hardly proved that abortion causes mental problems. In a rebuttal of the study, University of California at Santa Barbara psychologist Brenda Major noted that Reardon's group failed to control for the different life circumstances of women who choose to abort versus those who have a planned pregnancy. (Women who opt for abortion, for example, tend not to be married or in intimate relationships—factors themselves linked to poorer mental health.)

Confronted with such criticisms, Reardon avers that "proving causation is always very difficult." Yet "in well-designed studies that control for variables Reardon fails to take into account, legal abortion is not found to be associated with degradation in mental health," notes Nancy Felipe Russo, a psychologist at Arizona State University. Reardon doesn't just



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read the data differently; he appears to see what he wants to see. In a recent essay in the conservative journal *Ethics & Medicine*, Reardon defended what he called the "Neglected Rhetorical Strategy" of opposing abortion on the grounds that it hurts women, instead of simply because it's morally wrong. "Because abortion is evil, we can expect, and can even know, that it will harm those who participate in it," he wrote. "Nothing good comes from evil." That's theological, not scientific thinking. But it has been influential. Recently, conservative Rep. Joe Pitts (R-Pa.) sponsored a bill in the House of Representatives to provide $15 million in federal funding for research on "post-abortion depression."

## Condom condemnation

Embryonic stem-cell research is another issue where conservatives have latched onto fringe science in order to advance moral arguments. A key protagonist of the stem-cell debate has been David Prentice, until recently a biologist at Indiana State University and now a senior fellow for life sciences at the Family Research Council, a prominent conservative religious organization in Washington. In recent years, Prentice has made a name for himself by arguing that so-called "adult" stem cells—found in bone marrow and other parts of the body—have "as great, if not greater, potential for biomedical application" than embryonic stem cells (harvested from embryos created but unused by fertility clinics and donated by the patients, who no longer need them for in vitro fertilization).

In an interview, Prentice told me he considers himself a Christian and "definitely conservative," but added, "that's not how I argue these debates—I'm arguing from the science." Yet his scientific track record on adult stem cells is sparse. Prentice says he began collecting scientific references and reviewing the literature in the late 1990s, but confesses that he still hasn't managed to get a scientific publication on the topic into print. Nevertheless, Prentice has served as an "ad hoc" adviser to Sen. Sam Brownback (R-Kan.), a leading opponent of embryonic stem-cell research. Prentice has also presented a "commissioned paper" on adult stem cells for the President's Council on Bioethics, arguing that these cells "have demonstrated a surprising ability for transformation into other tissue and cell types." For this reason, Prentice argues that scientists need not bother with morally troubling embryonic stem cells at all. In other words, embryonic stem cells could be banned on religious grounds without affecting the progress of research.

Most of his peers disagree including the National Institutes of Health and the respected International Society for Stem Cell Research, whose board of directors argued in a recent letter to President Bush that "research on all types of stem cells warrants increased federal funding." Although it's well established that embryonic stem cells can generate any kind of tissue found in the body—hence their potential usefulness in investigating, and perhaps curing, various degenerative diseases—adult stem cells, by contrast, are thought only to be capable of generating cells within their own tissue type. Some recent research has suggested that adult cells might have more plasticity than originally assumed—research that Prentice has trumpeted as firm evidence that we can do away with embryonic stem-cell research. But the field's leading experts note that the studies on which Prentice relies either suffer from poor design or have not been replicated by other laboratories. "Scientifically, there is no independently verified evidence today that a pure stem cell of one type—adult tissue, say blood forming—can turn into another tissue at all," says Stanford pathologist Irving Weissman.

The closely connected issues of sex education and condom effectiveness pose a similar challenge for religious conservatives, who for moral reasons don't want juveniles having sex but for political reasons wish to bolster their arguments with appeals to social science. Chief among these appeals is the argument that abstinence is the only absolutely effective means of preventing pregnancy and STDs, and that "comprehensive" sex-ed programs—which teach the benefits of

### Bucking the Gipper

In part because of his anti-abortion views, Ronald Reagan's first nominee for surgeon general, C. Everett Koop, aroused loud opposition from liberal Democrats. But over time, Koop turned out to be a distinguished model for how devout religious believers can conduct themselves in the scientific arena. Koop greatly peeved the right when he publicly embraced the fight against AIDS and frankly advocated the use of condoms to prevent its spread. He also resisted pressure from the White House to produce a report on the physical and emotional after-effects of abortion, an early strategic attempt by conservatives to gather data on the topic for political reasons. In a 1987 memo to Reagan domestic policy adviser Gary Bauer, White House policy analyst Dinesh D'Souza hit on a clever idea. Remarking on the effectiveness of previous surgeons general in the battle against smoking, D'Souza recommended having Koop study the health consequences of abortion. The hope was to change the focus of the abortion debate, shifting away from legal questions towards a health oriented approach that would "rejuvenate the social conservatives." Soon afterwards, in a speech to pro-lifers, Reagan called upon Koop to produce such a report.

Pro-life groups were gaga for such a study, and it's not hard to see why. Proof of abortion's negative side effects—if such effects existed—would both discourage women from undergoing the procedure and also fuel lawsuits against abortion providers. And in the long run, such evidence could serve as a key device for overturning *Roe v. Wade*. But despite his personal views, Koop felt pro-lifers had gone on a fishing expedition. In a letter to Reagan declining to produce the desired report, Koop wrote, "the scientific studies do not provide conclusive data about the health effects of abortion on women." In congressional testimony, Koop added that psychological risks from abortion are "miniscule from a public health perspective." Conservative Caucus chair Howard Phillips called Koop's refusal to produce a report "contemptible," but the surgeon general countered, "if I had put out the kind of report that was not scientific...it would have been attacked and destroyed by scientists and statisticians." As Koop put it: "I'm the nation's surgeon general, not the nation's chaplain." *—C.M.*



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both abstinence and contraceptive use—are ineffective, or even dangerous.

That's where Dr. Joe S. McIlhaney comes in. McIlhaney is director of the Austin-based Medical Institute for Sexual Health, which he founded in 1992. The institute doesn't do much original research, but instead advocates abstinence-only education and critiques studies about other forms of pregnancy- and STD-prevention, such as condom use. McIlhaney, for instance, decries the "failure" of comprehensive sex-ed programs. Yet if these programs have failed, it's hard to know what constitutes success. Douglas Kirby, a teen sexuality expert at the California-based research organization ETR Associates, points out that that scientists have strong data showing that some comprehensive sex-ed programs work to change behavior by either increasing contraceptive use or delaying sex among teens. McIlhaney knows that, but he counters that "just because you've increased condom use by maybe 5 or 10 or 20 percent for kids in a program, does not mean you're actually going to impact the STD rate for them." But definitively showing that these programs—already proven effective in the short term—impact long term STD or pregnancy rates would require expensive longitudinal studies with huge sample sizes that funders are rarely willing to bankroll.

Likewise, McIlhaney's group publishes a pamphlet asking whether condoms make sex "safe enough," suggesting the answer is "no." Yet according to a 2001 review by the NIH, condoms have only a minimal slippage and breakage rate (roughly 2 to 4 percent), have been shown to block particles the size of the smallest viruses, and have been positively proven effective in the prevention of HIV, gonorrhea, and unwanted pregnancy. For other STDs, data was inadequate, but condom effectiveness can be strongly inferred. "To say condoms don't work is really a misleading statement. To say they don't work perfectly is accurate. But in sexual situations where there's either a known or perhaps unknown high risk of exposure, do condoms lower that risk, the answer is yes," says Ward Cates, a doctor who heads the Institute for Family Health at Family Health International, an international public health organization. When I pressed McIlhaney to tell me whether or not he thought—as nearly every other person in the field does—condoms lower the risk of pregnancy or the transmission of disease, he demurred, chuckling softly. "It's just this simple sort of little latex device, and we're talking about the futures of young people," he said.

In an interview, McIlhaney, a self-identified Christian, strenuously protested being characterized as a scientist motivated by religion. "We're a medical, scientific organization," he insisted. But when it comes to his own pro abstinence positions, McIlhaney's claims are more a matter of faith than science: There is as yet no evidence that abstinence-only education actually prevents kids from having sex. "There are no studies meeting reasonable criteria that show that any program has delayed the initiation of sex," notes Kirby.

Still, the Bush administration has humored McIlhaney and other critics of "comprehensive" sex education. The Centers for Disease Control and Prevention have abolished an initiative called "Programs that Work," which in 2002 listed five "comprehensive" sex-education programs and no "abstinence only" ones. And both the CDC and the State Department's Agency for International Development have altered informational materials on condoms to downplay evidence of their effectiveness. McIlhaney himself serves on both the advisory committee to the director of the Centers for Disease Control and Prevention and the President's Advisory Council on HIV and AIDS.

## Duck and cover

All told, Christian conservatives have gone a long way towards creating their own scientific counter-establishment. Indeed, the religious right's "science" represents just the most recent manifestation of the gradual conservative Christian political awakening that has so dramatically shaped our politics over the past several decades. "They're saying that their faith is not just a pietistic private exercise, but that it has implications in the world of education, or politics, or the world of science," notes Michael Cromartie, an expert on the religious right at the Ethics and Public Policy Center. And by providing a scientific cover—albeit a thin one—for religiously-inspired policies, this appropriation of science has at least temporary benefits for groups seeking to promote them. After all, the scientific method is inherently open to abuse. Because it encourages open publication, continual challenges to the conventional wisdom, and a presumption of good faith on the part of researchers, those who would deliberately slant their interpretations or cherry-pick their facts find plenty of running room.

But in the long push and pull between science and dogma, science has always been its own best defense. In his seminal 1896 work *A History of the Warfare of Science with Theology in Christendom*, Andrew Dickson White, the former president of Cornell University, famously cast the past as a long struggle between scientific truths and religious dogmas. White's thesis doesn't seem to account for the gray area—for "creation science" or "intelligent design" theories, or for religious believers trying to advance their views through science rather than through its suppression or defeat. But perhaps it doesn't need to. By fighting on the battlefield of fact, religious conservatives have essentially defaulted on their centuries-long struggle against science itself; they've already put one knee to the ground. Mainstream researchers won't simply roll over and play dead when religious conservatives trod on their territory. Indeed, they tend to hit back—hard—when pushed.

We can fully expect Joel Brind, David Reardon, David Prentice, and others to carry on their scientific advocacy. We can also expect conservative politicians to draw upon their work, at least so long as they remain in power. Yet if Christian conservatives continue to put out questionable science, they'll only suffer repeated rejection, refutation, and disrepute from our nation's distinguished scientific community. Like phrenology and cold fusion, implausible claims about abortion's risks or adult stem cell miracles will eventually succumb to the scientific method. First scientists, but eventually even politicians, will leave them behind. ◆



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# The Simplest Life

## Why Americans romanticize the Amish.

**By Sasha Issenberg**

One might have expected the uproar that ensued last February when UPN unveiled plans for a reality show called "Amish in the City." The premise—five Old Order Amish teenagers move to Los Angeles to live with six of their non-Amish peers, confronting the seductive powers of technology and libertinage—instantly aroused opposition from a coalition of Amish advocates, rural-life preservationists, and a majority of U.S. senators, who signed a letter accusing Viacom, UPN's parent company, of bigotry. "Amish in the City," these guardians of good taste insisted in newspaper ads and press conferences, would hold the Amish up to ridicule. (This was before the show had even been produced, let alone aired.) After mulling cancellation, UPN decided to air the show anyway, prompting Rep. Joseph Pitts (R-Pa.), who represents the heavily Amish Lancaster area, to tell local papers that "[t]he very nature of this program is offensive and exploitative."

Pitts needn't have worried. True, "Amish in the City" carries all the formulas of the strangers-in-house reality-show model. There are domestic struggles (who left the dishes out?), stunt-based excursions (in one episode, the Amish kids and the city kids swapped outfits and hit the streets) and direct-to-camera confessional scenes in which the participants talk about how it all makes them feel. But, with the exception of some dubious dental work among the women and some aggresively unstylish sartorial choices among the men, the show's Amish characters don't fare poorly at all.

Indeed, rather than deride its protagonists, "Amish in the City" does what Americans have always done: It admires the Amish. In fact, in the show, it is the caricatured representatives of urban, cosmopolitan America—a gay nightclub promoter, the pierced-and-tattooed blonde fashionista, the sassy black student—who are the absurd figures, there for comic effect. Shortly after the program's July debut, the usually caustic *New York Times* critic Alessandra Stanley raved that in "this clash of cultures the three Amish men and two women are the sensible and likable ones. They are so unworldly that they marvel over a blender and weep at their first glimpse of the ocean, but they have much to teach their hip, patronizing housemates."

"Amish in the City" is only the latest example of a long tradition of Amish-loving American cultural mythology. We've long celebrated the "simplicity" of the Amish, idealized their way of life as an archetype of uniquely American goodness. Sure, we poke fun at them occasionally; cultural historian David Weaver-Zercher's *The Amish in the American Imagination* assembles a fine inventory, from a 1921 *Travel* magazine quip about "beards that look as if they had been cropped from a moss-hung Florida tree!" to David Letterman's "Top Ten Amish Pick-Up Lines." But Amish humor is a cottage industry compared to Amish tourism, which annually draws four million visitors who forgo Disneyworld to spend their vacations among the black-hatted, noodle-slurping barn-raisers of Lancaster County, Pa., the largest of several Amish communities in the country. (Most of the rest are in Ohio and Indiana.) They are, in the popular imagination, a peaceful people who spend their time going to church and making preserves, while the rest of us lost our spiritual way, got jobs moving paper around, became obsessed with buying stuff, and watched our families fall apart.

### Past masters

The Amish have been fulfilling this role since the early 1950s when they became a perfect foil to a modernizing country of skyscraper-filled cities and burgeoning suburbs, whose residents were infatuated with cars, weapons systems, and gray flannel suits. Back then, the world of the Amish was one where subsistence agriculture, folk art, and intimate communities—all on the wane in most parts of the country—continued to thrive, a place where technology, money, consumerism, industry, and big government were absent by cultural and spiritual decree. The boom in Amish tourism that began during that decade marked an inflection point in Americans' conception of their own culture: Only when they began to view themselves as modern, did they take interest in the lives of the premodern. Watching people tool around in buggies is worth a weekend trip only when one knows little other than cars.

It didn't take long before Lancaster sprouted the usual infrastructure of American tourism, from bus tours to smorgasbord restaurants to an amusement park, Dutch Wonderland. (That complex, which faced Route 30 with an anachronistic castle façade hiding a monorail, was met with a backlash; Pennsylvania Dutch Tourist Bureau president Robert Shoemaker accused the owners of trying to "draw and exploit persons of poor taste. . .at the expense of those of us who were in all honesty playing up to the public interest in history, religion and rural and American culture.") Indeed, the Amish were foremost a cultural attraction, and spending days among them was an informal exercise in anthropology; tour books, brochures, and maps were visitors' field guides. In the

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*Official Pennsylvania Dutch Guide-Book*, a 1962 tourist-bureau publication, A. Fred Rentz—identified as "an Educator and Authority on the Pennsylvania Dutch"—wrote that the Amish "have virtues that the rest of us would do well to emulate." They do not take government aid or agricultural subsidies or purchase fire insurance, Rentz points out. Instead, "[t]hey took care of themselves." Rentz presented a picture of an American society where one can step away from the rigors of the invisible hand and refuse to have one's own outstretched. The virtuous among us, he says, are those who can live outside the welfare state and refrain from frivolous lawsuits.

Everything the Amish touch, it seemed, turned to simple. In the guidebook's chapter "Foods—And How We Like Them," before mentioning any dishes or specialties—before even giving the slightest hint of the distinctive taste or style of Amish cooking—writer Edna Eby Heller presents a culinary tradition subsumed by its culture's cardinal values: "hard working, creative and thrifty." Visitors were told of "a great many dishes common in today's Dutch Cookery created when a housewife felt compelled to utilize rather than discard. She wastes nothing in the garden, neither in the kitchen. That favorite little Milk Pie, she makes from left over pastry!" The virtues of Amish cuisine are apparently that it is resourceful, not savory. In a consumer society increasingly aware of its tendency towards wasteful indulgence, these are old-fashioned values. The Amish don't take pictures, and they leave only footprints. (Plus the wafting odor of homemade Moravian Sugar Cake.)

What makes the Amish such an odd and appealing object of cultural tourism is that the visitor is asked to suspend disbelief, trusting that the Amish are of today, not faux relics of a manufactured past, like Colonial Williamsburg. In living Amish culture, visitors see both the purity of a simpler past and a promise of a more virtuous present. (Though the Amish are never portrayed as unevolved or uncivilized; they are premodern without being primitive, old-fashioned without being savage.) They were us in the late 19th century, the literature suggests, but we changed and they didn't. The Amish were the virgin, lily-white America of strong families and simple values, before all hell broke loose and things went wrong. The Amish were Ozzie and Harriet's "Ozzie and Harriet." (That image has never really changed. When two Amish twentysomethings were convicted in 1998 of dealing drugs, the Lancaster New Era editorial on the subject was headlined "Amish Cocaine Sellers Have Set Example for Everyone.")

## Back to the future

But as American anxieties changed, so did the representations of the Amish in our popular culture. In the 1960s, as the sexual revolution got underway, booklets about the noncarnal Amish-courtship practice of "bundling" started to appear. In the 1970s and 1980s, as agriculture faced consolidation and corporatization, historian David Walbert has observed, Lancaster County postcards began to feature increasingly family-farming motifs. By the time *Witness* was released in 1985, America's big cities had gone to seed—and Lancaster County offered a cultural refuge. (The film began with a grisly killing in the bathroom of the 30th Street Station, which you never see at the horse-and-buggy barn.)

All these portrayals, however, have something in common: In each, the Amish are the guardians of old-fashioned American values, foils to change and optimism about the future. The Amishman is the romanticized American that never was: He is Jefferson's gentleman-farmer; the perfectible, efficient handyman of Franklin's *Poor Richard's Almanack*; Thoreau's self-cultivator at one with nature; Turner's homesteader on the frontier. And in that sense, Americans' lionization of the Amish is part of a broader tradition—the reactionary anti-urban, anti-consumerist vein in our national life that had its roots among America's first Puritan settlers, and has lasted well into the modern age in communities ranging from the crunchy back-to-the-land hippies of the 1960s to the right-wing survivalists of today.

American leaders have long tried to claim authority over the present by idealizing the past. Thomas Jefferson's utopian visions were based on ideas of agrarian virtue. "I view great cities as pestilential to the morals, the health and the liberties of man," he wrote in *Notes on Virginia*, published during the early 1780s. The allegedly "progressive" turn-of-the-century educator John Dewey traced the decline of "children's modesty, reverence and implicit obedience" to a culture of family and community order destroyed by the Industrial Revolution. "Instead of pressing a button and flooding the house with electric light, the whole process of getting illumination was followed in its toilsome length from the killing of the animal and the trying of the fat to the making of wicks and dipping of candles," he nostalgized in 1899. Today, supporters of George W. Bush revel in the image-contrast between the president's common-man vacations to his Crawford ranch (clearing brush and chopping wood project rural values of work and simplicity) and John Kerry's allegedly high-fallutin' leisure activities. "Do you know how few Americans go windsurfing?" Sen. Zell Miller (D-Ga.)—himself a self-consciously self-congratulatory small-towner—sneered at the Republican convention.

For the most part, reality television has been an unexpectedly progressive institution, with programs to redistribute wealth ("Who Wants To Be A Millionaire?"), guarantee sex set-asides for the fat and ugly ("Average Joe"), and to make moguls out of the clever and hard-working ("The Apprentice"). But by milking its coastal looks-like-America cast for laughs and casting Amish values as an antidote to modern solipsism, "Amish in the City" makes the same error that its Amish-loving antecedents do. It's true, of course, that there are aspects of Amish culture which we rightly miss in our modern lives—the close-knittedness of their families and communities, and even their manifest awareness that there are higher aspirations than material accumulation. But it's silly and disingenuous to hold the Amish up as an indicator of American decline. Millions upon millions of Americans prefer to live in modern suburban America, because Costcos are magnificent and churning one's own butter is an ordeal, and Americans have never chosen the past over the present. ◆



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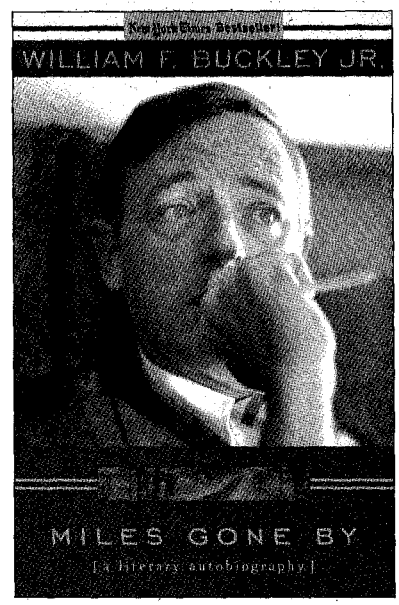
# Sailing Away

## William F. Buckley's art of revealing nothing.

**By Jamie Malanowski**

In the years before the record industry was unmanned by Napster, nobody was better at wringing every possible drop of profit from even the smallest of creative acts. Two minutes and 35 seconds of music could make money as a single, then also on an album, and then in a long version or a dance version or a live version, and then as a greatest hit, and then in a boxed set, and then as *Dance Party Fifties* or *Protest Party Sixties* repackaging, and then on a soundtrack, and so on, and on, until the day when people wake up with 12 versions of "Wild Thing" in their collection, and the Troggs and their assorted business associates have made many, many happy trips to the bank.

No one has ever been quite so clever about repackaging and reselling freelance journalism, but I'm deeply grateful William F. Buckley Jr. has been giving it a try. He has produced a number of anthologies over the years—mostly, I gather, collections of his columns on communism, the Panama Canal, and tattooing AIDS victims buttocks, as well as topics of similar significance. His latest effort, *Miles Gone By: A Literary Autobiography*, repackages a number of his writings from a large number of sources so that they rather loosely amalgamate into something like a life story—tales of his youth, his passions and enthusiasms, some of the people he has known, plus lots and lots and lots of




**Miles Gone By: A Literary Autobiography**
By William F. Buckley Jr.
Regnery Publishing, $29.95

stories about sailing, laid end to end, from childhood to maturity. As a freelance writer, I salute Mr. Buckley, and honor his efforts to profit a second time from his struggles with the blank page (indeed, some of these writings, like introductions and toasts to people given at dinners, were never remunerated in their first incarnations, so it's high time their author got rewarded). This sort of thing should be done more often. There's no reason that the person who bought, read, and enjoyed *Cruising Speed* the first time around shouldn't buy, read, and enjoy the excerpt here; it's not like anybody memorized the thing, did they? You go, Bill! I hope you sell a million copies!

Still, we are forced to ask, when those million book buyers part with their $29.95, what are they actually going to get out of *Miles Gone By*? First, they're going to spend a lot of time with a singularly charming narrator. I have no idea what Buckley is like to live or work with, but in print he is almost always genial, witty, and self-deprecating. He has a knack for writing about fun. It's not easy. We all have busy, eventful days that we spend going somewhere with people we like, and we end with a feeling of contentment and happiness. But that somehow escapes our ability to completely communicate to a third party why those days amounted to a good time. Buckley has the gift not exactly of describing that event, but of taking you through his memory of the event, and making that journey completely delightful. You can't say that he tells stories per se; there are no beginnings, middles, and ends to these boat trips, and a number of them, in the hands of a less gifted raconteur, would quickly clunk to a "I guess you hadda be there" close. There's a lot of pleasant skimming of the surface here, by both Buckley and his boats.

(Be warned: Buckley isn't always charming in this collection. In one long chapter, an introduction he wrote to the 25th anniversary edition of *God and*



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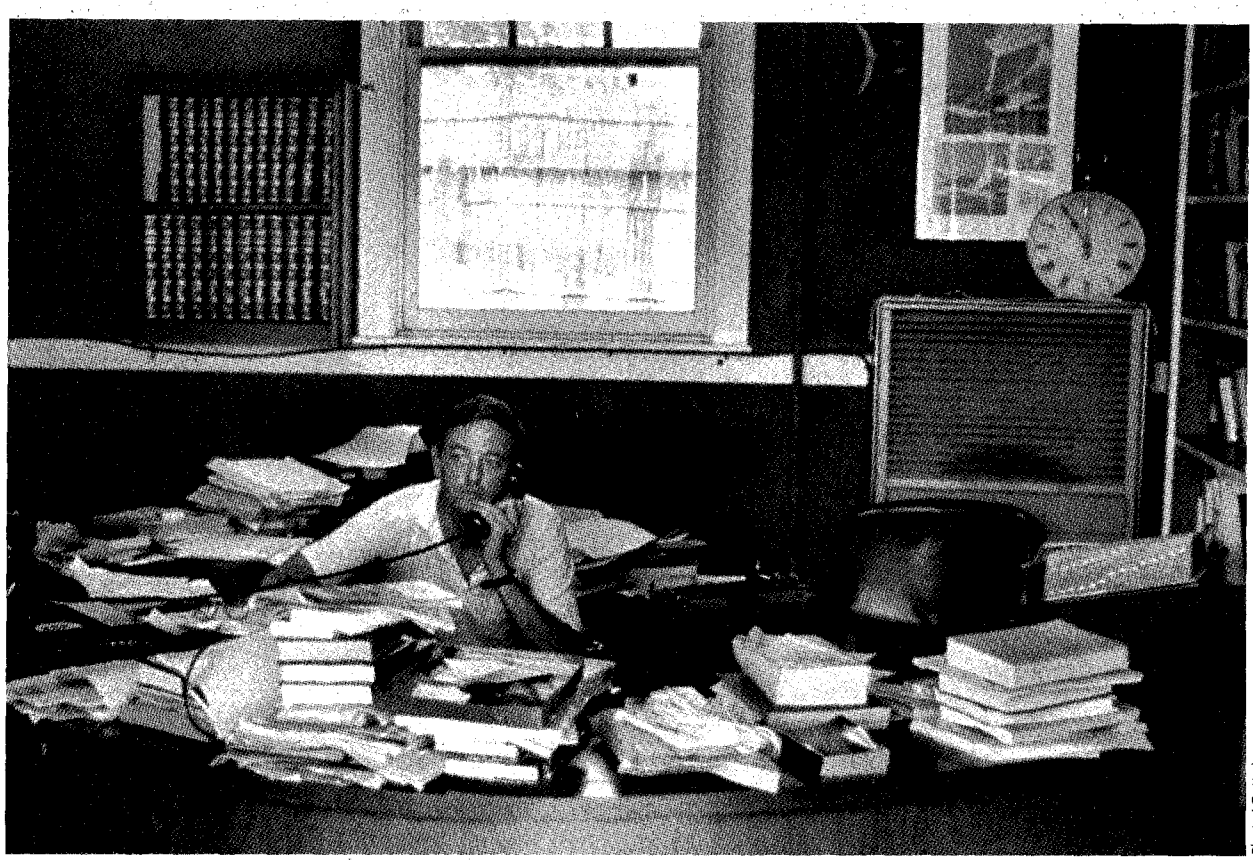

Photo/ Getty Images

What happended to the help, Bill? In 1965, 40-year-old William F. Buckley was editor of the *National Review* and a candidate for mayor of NYC.

*Man at Yale*, he revisits the controversy and responds to many of his critics, no doubt serious blokes in their time but invisible today, with the sort of cold, remorseless almost vengeful determination a coroner might bring to unearthing remains buried decades earlier after some unspeakable crime. Enough! we want to cry, enough! You were probably right about everything you wrote! Can we please get back on the sailboat?)

After a while, however, readers will begin to realize that for all the breeziness, not much of the inner man is revealed. We know that Buckley loved his mother and his father and loves his wife and his son—he says so here and there, not often but unambiguously—but what he really writes about is sailing. And then more sailing. And skiing. And flying. Not parenting. Not the joys, rewards, and intricacies of a long marriage. Not the emotional issues that arise from growing up in a big family.

And not a lot about himself. Not only isn't there much of that goopy interpersonal-relationship stuff, there's just not much about how he feels when he isn't feeling good. Buckley writes about how he had to frequently and consistently raise money from donors to keep *National Review* afloat. Scratch any politician of the last quarter century, and you'll get an effusion of complaint about having to perform various debasing songs and dances in the course of raising funds. There's nothing here about that. There's no real sense, in that instance or others, of having been hurt, disappointed, humbled, humiliated.

Which is fine. But if a person is going to be a great conservative, moreover a great conservative who was born rich, brilliant, talented, and gifted in innumerable ways, it would be good if in his autobiography, even his literary autobiography, he gave evidence of his capacity for feeling. He surely possesses one. The fact that many of his friends and his son accompanied him on many of his long ocean voyages speaks to his virtues and the pleasure that is no doubt taken in his company. But it says something that a writer so gifted and prolific and even avaricious should leave these fertile plots untilled.

There's not much politics in *Miles Gone By*; odd in a man who has spent so much of his life observing the public realm. Still, Buckley has been by disposition a counterrevolutionary, living with his band of true believers in an attitudinal exile. Still, he did meet lots of people, and there are two anecdotes in this book that make me wish Buckley would fire up his word processor and produce one more book. In one recollection, John Tower, standing next to Buckley at a post-meeting pee in 1968, said he didn't think Ronald Reagan had the "intellectual capacity" to be president. In another, during Watergate, after the Saturday Night Massacre, Barry Goldwater said to him over a Coca-Cola, "There is absolutely no doubt that Nixon is guilty. You know, if I had been beached ten years ago on an island cut off from the world, and a helicopter suddenly dropped down and described the mess in the White House, I'd say to myself, Richard Nixon has got to be President of the United States."

*Indiscretions I Have Known*—now that would be a book!

**Jamie Malanowski** is a New York writer.



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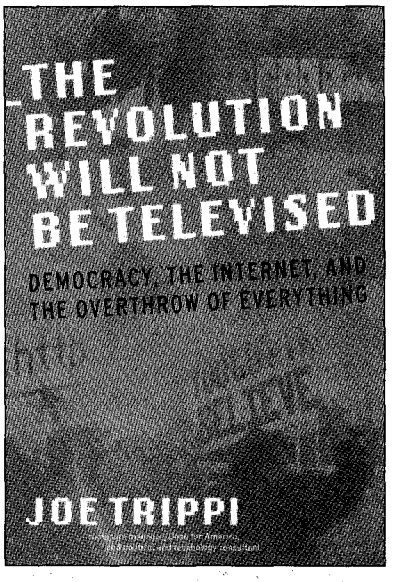
# Power Trippi

## Howard Dean's candidacy showcased the best—and worst—of Internet campaigning.

**By Ezra Klein**

My first blog, unimaginatively titled "Ezra Klein," occupied an under-traveled stretch of the Web. At best, my musings on politics, a diversion from my day job on Gary Hart's pre-presidential campaign during the early months of 2003, boasted around 50 readers a day. One afternoon that May, I found out that "pre" was as far as Hart's road went; visitors to "Ezra Klein" were soon treated to a long-winded account of my disappointment and confusion as I tried to figure out what I would do next.

That was the night I first heard from Joe Trippi, campaign manager of an obscure Vermont governor's dark-horse campaign for the presidency. It turned out Trippi was one of my readers, and to my surprise, he was quick to offer sympathy and understanding. As our correspondence continued, my initial, tentative support gave way to full-blown enthusiasm. Though I was a little uncomfortable with Dean's lack of national security experience—which even then looked to be a key credential for the 2004 race—Trippi slowly drew me in. Each time I opened my email or checked my messages and found a Dean campaign official inside, my interest intensified. Soon I was selling Howard Dean online, then organizing for him around my Southern California hometown. Finally, I accepted Trippi's invitation to spend the summer in Vermont, working for the campaign.




**The Revolution Will Not Be Televised**
By Joe Trippi
Harper Collins, $26.95

I had barely noticed, but Trippi had turned me from a nominal supporter of his candidate into a die-hard Deaniac. As any political pro will tell you, this is an important evolution; the former may mark the ballot, but the latter converts his friends, opens his wallet and stuffs the envelopes. And it was a conversion that Dean's campaign, through its emphasis on participation and innovative use of the Internet to make that participation possible, worked on tens of thousands of people more or less like me. By the end of the year, these ground troops—volunteers, bloggers, MoveOn.org members, and Meetup.com enthusiasts—would provide enough energy and cash to turn Dean from a dark horse into the odds-on favorite for the Democratic nomination.

That was before the primaries actually got under way, of course. Dean didn't become the Democratic nominee, and he shuttered his bid a month after the Iowa caucuses not having won a single state. Trippi's new book, *The Revolution Will Not Be Televised*, is thus less a memoir of that turbulent period than an attempt to retrieve the lessons of Dean's campaign from the dustbin of failed primary efforts. He wants us to remember Dean not as the hothead whose unscripted yelp from an Iowa ballroom cost him the election, or as the liberal firebrand whose challenge gave his party a spine transplant, but as a man who, even in losing, changed the nature of politics. "It was," he writes, "the opening salvo in a revolution, the sound of hundreds of thousands of Americans turning off their televisions and embracing the only form of technology that has allowed them to be involved again, to gain control of a process that alienated them decades ago."

Even for Democrats who didn't support Dean, Trippi's "revolution" continues to be a reason to look back on the candidacy with some fondness. Finally, they say, someone has figured out a model for how the party can be politically successful in the post-McCain-Feingold age. I shared a lot of that enthusiasm, and still do. But looking back at the campaign through Trippi's eyes, it's become clearer and clearer to me that Dean's model, like any new technology, can



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be as dangerous as it is useful. Unless properly harnessed, the new politics of the Internet may do to future candidates what it did to Dean: Make them lose.

## A shoebox and a dream

Trippi, of course, didn't create Dean's devoted army; central to the story of the Dean campaign was the manner in which the candidate's army of volunteers, bloggers, and donors created itself. But more than any other person, Trippi was the movement's disheveled, short-tempered prophet, who saw early on that something new was happening in politics, and that this something could be Dean's ticket to the front of the pack. Indeed, as the 2004 cycle began, Trippi was probably the only campaign manager in America capable of marrying expertise in national campaigning with immersion in the high-tech world. Though a dyed-in-the-wool politico—Dean's was his seventh White House campaign—Trippi was also a certified geek. He never finished his aerospace engineering degree at San Jose State, but throughout his political career Trippi retained his addiction to caffeine, ahead-of-their-time gadgets (think the Newton), and something called the Internet, back when it was still an obscure, pre-Web network used almost exclusively by hackers and research scientists. Trippi had even spent time in Silicon Valley, working there during the late 1990s as a corporate consultant and start-up investor at the height of the tech boom. By then, Trippi had gone somewhat sour on politics and the listlessness and rightward drift of his party, and he had vowed never to work on another "presidential."

But when Dean came calling in 2003, it didn't take long for Trippi to change his mind. "He talked from the heart about things I believed," Trippi recalls in his book. "He said that America was drifting towards war in Iraq for the wrong reasons. That the country was too beholden to special interests. That the greatest nation in the history of the world ought to provide health care for its people ... I fell in love." A lot of other people did, too, especially after Dean's first big moment: His barnstorming speech at a Democratic National Committee meeting that winter. There, the candidate demanded to know why most of his party (and most of the presidential field) had supported the "president's unilateral attack on Iraq," and acquiesced on much of his policy agenda, from tax cuts to health care. Lifting a line from the late senator Paul Wellstone, he told a throng of committee members, "I'm Howard Dean and I'm here to represent the Democratic wing of the Democratic Party."

For much of the party establishment, this line marked Dean as a danger, someone who didn't understand how to navigate the post-9/11 security environment and was abandoning the lessons of Clintonism. But many grassroots voters, most of them liberals, had been craving exactly this kind of toughness and outspokenness for years. The problem was that the Dean campaign didn't amount to much—"seven people sitting around Vermont with a bunch of shoeboxes," Trippi writes, not much money, and a virtually unknown candidate. Without much other choice, Trippi looked to the Internet as a way to decentralize the campaign, to hand the work of organizing and fundraising to the grassroots. Tellingly, the rest of the campaign resisted; it took Trippi days to convince his colleagues that putting a link to Meetup.com—a service that, as the name suggests, allows people with similar interests to find each other and organize events—on Dean's Web site wouldn't violate campaign finance law.

Once the ball got rolling, however, things changed rapidly. It turned out that Dean's hard-hitting speeches and appearances were turning heads, but mostly outside the Democratic Party's organized interest groups and party structures. Provided with the tools to collaborate, online and off, this virtual grassroots came to life in the real world. Through the Dean campaign's Web site, pro-Dean blogs, and Meetup.com, these individuals began talking to each other. They critiqued anti-Dean articles in the press. They suggested slogans. Some appointed themselves as de facto field directors, and hosted fundraisers or rallies with little input from campaign headquarters. They also surrendered their emails to the Dean campaign, letting the campaign talk back to its grassroots, begging them for donations and suggesting (but never requiring) the best outlets for their energies. Trippi was a constant presence. He spent hours on his computer exchanging emails with obscure bloggers and posting replies to unsuspecting commenters. His trademark voice—staccato and punctuated only by dashes—reflected the informality of his campaign and its supporters, most of them young, many of them newcomers to politics. His faith in politics, too, was restored. "You could gather around the computer screen and see the campaign beginning to come to life," Trippi writes, "on web sites and in blogs, in e-mails that ricocheted around the country, each hit and blog and message representing a real person learning about Howard Dean and stepping up to do his or her part."

The results shocked everyone, including Trippi. Dean rocketed ahead of the pack in fundraising, shattering first other people's records, then his own. (He would eventually raise $15 million in a single quarter, much of it online—a primary record.) His events attracted thousands of "Deaniacs" with minimal advance work by campaign staffers; a few emails were enough. His poll numbers shot up, driven by tens of thousands of activists proselytizing their friends and, eventually, attention from the media, drawn like hounds to the scent of an insurgent candidacy unfolding. By the end of 2003, even the Democratic establishment was beginning to come around. The two most politically powerful labor unions—the Service Employees International and the American



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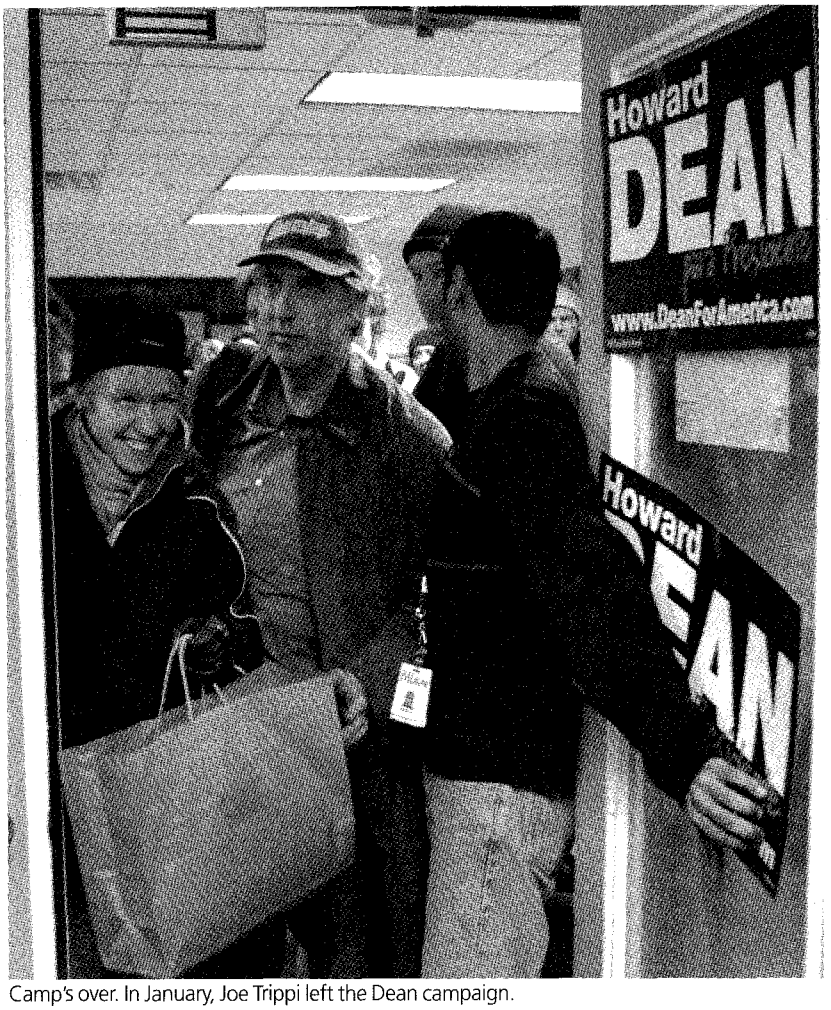
Photo/ Getty Images




Camp's over. In January, Joe Trippi left the Dean campaign.

Federation of County, State, and Municipal Employees—delivered a joint endorsement, followed by nods from Al Gore and Bill Bradley. Dean looked invincible.

## Supporters system

As delivered in *The Revolution Will Not Be Televised*, the story of Dean's ascent is a good yarn, and well told, too, in a prose style that's one part gonzo journalism, one part Up With People. But it's when Trippi tries to explain how Dean fell, the story goes awry. Trippi argues that it was old-fashioned dirty politics—old speeches ripped out of context, a press whose benign tolerance of the entertaining insurgent had given way to hyper-intense scrutiny of the little-known frontrunner, and a flurry of negative ads unleashed by Dean's rivals for the nomination—that felled his unconventional campaign. (The media's postmortems traced a similar arc, absolving the innovative "netroots" of any blame for Dean's failure.) This allows Trippi to spend the rest of his book touting the technological revolution in politics and advising candidates to adapt to it, or lose. "An amazing thing happened in the presidential contest of 2004," he claims. "For the first time in my life, maybe the first time in history, a candidate lost but his campaign won."

This explanation falls short. As a candidate, Dean had problems from the get-go. He had no national security bona fides in a race that put a premium on them, and hailed from the liberal Northeast at a time when Southern roots seemed like a better fit for Democratic candidates. As Vermont's governor, Dean supported balanced budgets, gun rights, the death penalty, the first Gulf War, and welfare reform, and his record was at odds with his newfound constituency, which consisted chiefly of unreconstructed liberals drawn by his opposition to the second Gulf War. If the Dean campaign had been about Dean, that might have been a problem. But the campaign wasn't about the candidate; that is, it wasn't focused on Dean's policies or vision of the future, which were neither distinctive nor groundbreaking nor liberal. The campaign was about the campaign.

Trippi himself sees that quality as "the difference between the Dean for America campaign and every other presidential of the past twenty years. Every other campaign has started by saying—'Look at me. Aren't I amazing?' But every time Howard Dean got up to speak, every time his campaign staff got on the web to blog, the message was 'Look at you. Aren't you amazing?'" There's clearly something to admire in this sentiment. And it's hard not to view the engagement and involvement Dean inspired as an unalloyed good. But the result was that Dean—especially late in the game—became defined by his supporters, by their views and actions rather than his own.

Trippi, for obvious reasons, saw this as the campaign's great strength, and indeed the main innovation worth adopting by other candidates, corporations, and the like: "What if Ford did this: Announce that it's designing a new Mustang and that it wants all those loyal drivers who ever owned a Mustang to help decide what it looks like. . .maybe they can even vote on a design element, whether it has a fastback or not. Now, what happens when they roll that Mustang out on the showroom floor? You will have created a community that has something invested in this car and, best of all … it will actually be a car the community wants."

But this only begs the question: Just how many Mustang enthusiasts are out there? How many would actually participate in an exercise like this? And once that die-hard group has been assembled, are they going to design a car that anyone else wants to drive? If they don't, it will be a failure, and it won't matter how enthusiastic the die-hards are.



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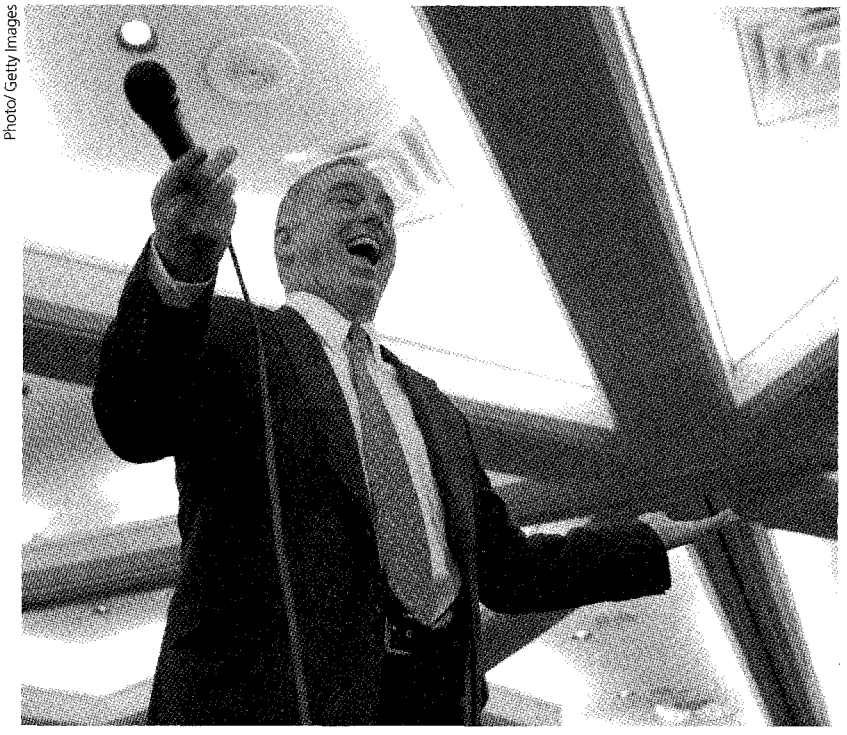
Photo/ Getty Images



Who, me, almost the nominee?

Campaigns generally use polling to sidestep this problem. Rather than sticking a finger in the air and hoping you accurately read the winds, you hire a good polling firm, have them draw up the right questions, and in return learn what the voters want and how you're giving it to them. At that point, a candidate can attempt to either move towards the electorate or move the electorate towards them. But if you're concentrating too much on your core audience, they become your only focus group. Saying, as Dean did in one foreign policy speech, that "the capture of Saddam has not made America safer," may result in an immediate flood of donations and positive reinforcement from your base. But it's going to mystify and thus alienate everyone else.

That's what happened to the Dean campaign. The same new technologies that enabled Trippi to decentralize it also shifted its internal balance of power, ceding Dean's identity and message in no small part to the die-hard activists who had made him the frontrunner. But die-hards don't shrug their shoulders when their candidate zags; they yell and protest and try to drag him back. Trippi himself admits that Kate O'Connor and Dean eventually wanted to fire him because "[I]n their eyes, Dean had been swept up in the momentum of his own populist movement...was unable to leave the insurgent firebrand behind and reposition himself as just another moderate Democrat"—an inability which proved fatal. And in a campaign where even the bulk of Democratic primary voters were focused on "electability," the Deaniacs could be an unappealing bunch. When the conservative group Club for Growth ran an ad featuring a Midwestern couple telling Dean to take his "tax-hiking, government-expanding, latte-drinking, sushi-eating, Volvo-driving, *New York Times*-reading, body-piercing, Hollywood-loving freak show back to Vermont" they weren't talking about the candidate. They were talking about the thousands of mostly young, out-of-state liberals who descended on Iowa in December, wearing funky orange hats as they tried to persuade the locals to vote for Dean.

## Net profits

Here, then, is the balancing act future campaigns must pull off, and Dean's did not. On the one hand, candidates need their base to feel invested and listened to. Not only does this enhance voter participation and grassroots organizing—both of which become even more important in the general election—but it simultaneously awakens the kind of small-donor fundraising base every politician dreams of. (In part because, as Trippi rightly points out, small donations tend to be cleaner than big ones.) On the other hand, candidates can't allow their die-hards to dictate what they say and who they are. The trick is to allow access without relinquishing control.

One simple way to do so—used to great effect by Trippi—is involving the campaign staff with the supporters. It's hard to overestimate the galvanizing impact Trippi could have on the Deaniacs simply by writing someone a brief email or commenting on a Web log post; you felt that your beliefs and ideas were at least being considered at the highest levels of the campaign. It was far more effective than the impersonal solicitations campaigns use in their direct mail work, and cheaper, too. Most importantly, online feedback and participation builds communities that are self-perpetuating and self-motivating. When those communities were sullied by mocking right-wingers, blogs would hold mini-fundraising drives, harnessing people's frustration and anger into fundraising and activism. Eventually, instead of requiring constant contact with the campaign, the communities were sustained by contact and interaction with each other. (Today, with no candidate and no campaign, Dean's blog still gets 33,000 hits a day, not much less than it drew during the campaign's peak. That's because the Deaniacs long ago stopped coming to talk to Howard Dean and began coming to talk to each other.)

But really empowering an online base requires more than just the participation of high-level campaign staff; it requires the candidate. Some of the most inspiring passages in Trippi's book tell of ideas passed around the campaign blog and picked



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up by Dean himself. When the Deaniacs raised $1 million for his "Sleepless Summer Tour," they asked that Dean tote a red bat onstage in recognition of their achievement. He did. Most people watching Dean's triumphant speech probably didn't know or care why he was carrying a bat, but to the bloggers and commentators who'd driven the fundraising, it was a crucial show of reciprocity. To its credit, the Kerry campaign seems to have grasped the usefulness of the Internet as a fundraising tool. (Especially that email—with its insignificant overhead and perfect message control—is an exceedingly effective medium through which to raise money.) Last April, Kerry defied expectations by nearly doubling Bush's fundraising, with about a quarter of his funds coming from online donors. But they would get far more money out of their supporters if they learned how to involve and invest them. Kerry officials don't drop posts on the blog or take ideas from pro-Kerry bloggers; they don't communicate with their die-hards in the same way that Dean's people learned to do.

Still, there are signs that the Kerry campaign is looking for ways to broaden the circle. As *The Washington Post* reported in July, Kerry's people have created a rapidly expanding network of policy advisers. Claiming a cast of "thousands," the network boasts 37 domestic policy councils and more than two dozen devoted to foreign policy. Such an assemblage is obviously too unwieldy to be dictating policy. But maybe that isn't the point. As one unnamed "close economic advisor" told the *Post*, "It seems to be working, in the sense of making the outside people feel warm and fuzzy, like they've been consulted... so all these folks can say they're working with the Kerry campaign." Scale that up for a couple million average Kerry supporters, and we'll know the revolution is upon us. The voters will finally be treated like the elites.

**Ezra Klein** is a writer and co-editor of www.pandagon.net, a journal of political and cultural commentary.

# Historical Regression

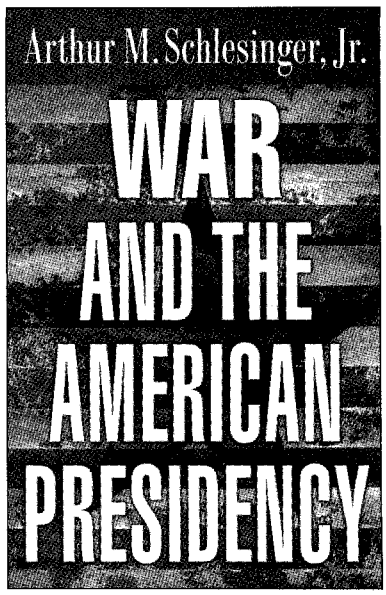
## Why Bush makes even Arthur Schlesinger sound like Michael Moore.

**By Jessica North**

There is something about George W. Bush that makes liberals come unhinged. To some extent, Democrats have put their rage to good use, parlaying it into political activism and fundraising not seen on the left in many years. But fury isn't always the most useful state from which to write a book, and recently the stores have been filled with angry anti-Bush books by prominent liberals—many of which have sold quite well, but few of which offered anything new or interesting.

The same phenomenon may be at work in Arthur M. Schlesinger's most recent book. This iconic scholar has perhaps done more to contribute to our understanding of the American presidency than any other living historian. In *War and the American Presidency*, Schlesinger tries to answer some big questions about the presidency and war powers. But he never gets very far—he is just too steamed to get much beyond venting.

That is not to say that *War and the American Presidency* is a dull read. With his trademark elegance, the dean of American historians blasts the Bush administration for its embrace of preventive war and its zeal in consolidating power within the executive branch. The White House, he writes, has gone well beyond historical precedent,




**War and the American Presidency**
By Arthur M. Schlesinger
W.W. Norton & Company, $23.95



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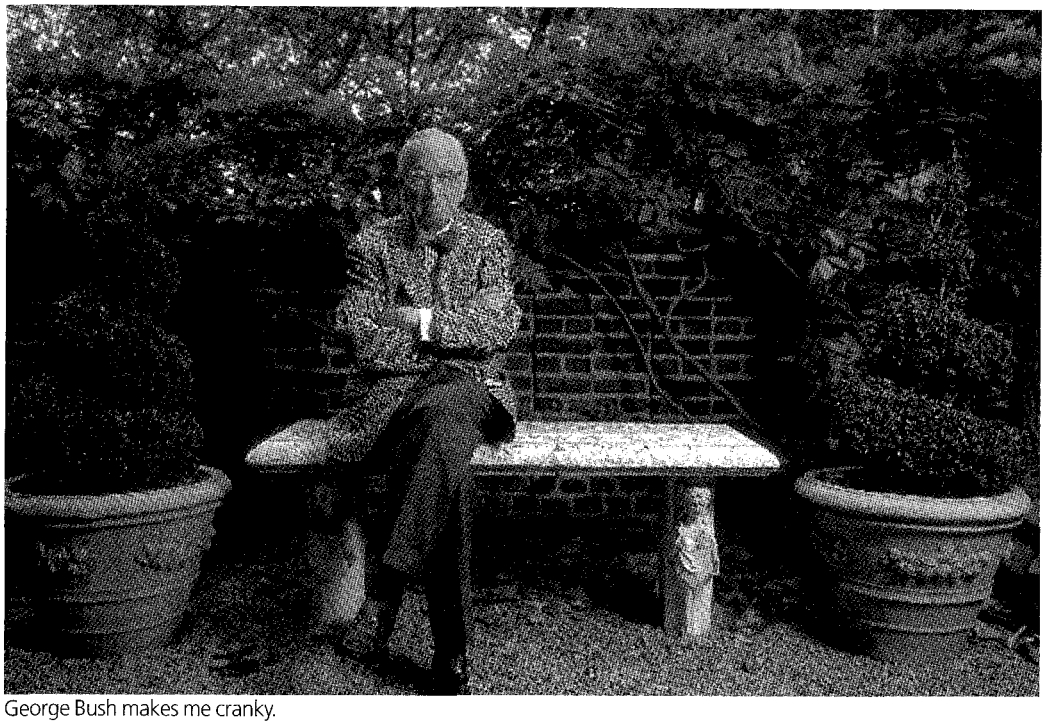
George Bush makes me cranky.

and overstepped even constitutional bounds. "Since we arrogate to ourselves the exclusive right to wage preventive war, we ignore the dark warning of Secretary of State John Quincy Adams against going abroad 'in search of monsters to destroy,'" he warns. "When we initiate war unilaterally, we set the republic up as the world's judge, jury, and executioner. The direct consequence is that never before in American history has the United States been so feared and hated by the rest of the world."

Nor has Schlesinger lost his knack for finding a historical nugget that informs the contemporary situation. He notes, for instance, that presidents Truman and Eisenhower rejected preventive war out of hand. (Truman scoffed that "You don't prevent anything by war except peace.") And he points out that while there are famous cases of American presidents undertaking constitutionally dubious measures during times of conflict—Abraham Lincoln's suspension of habeas corpus during the Civil War, Franklin Roosevelt's 1941 decision to launch an undeclared war in the North Atlantic—there was an equally long-standing tradition among these presidents that such measures were generally understood as emergency powers, not as inherent rights of the president. (One great exception, of course, was Richard Nixon, as Schlesinger argued in an earlier work, *The Imperial Presidency*.)

But in contrast to that book and the other richly detailed studies Schlesinger has produced over the years, this book is rather slight—it runs a modest 141 pages. The short chapters read more like extended op-eds than scholarly analysis, and it is clear that the author is writing from the gut. Typical is this lament: "Looking back over the forty years of the Cold War, we can be everlastingly grateful that the loonies...were powerless. By 2003, however, they ran the Pentagon."

It is hard for liberals not to write from the gut about this administration, but for a historian of Schlesinger's erudition, this disposition means a wasted opportunity. He strews interesting anecdotes about executive power and American foreign policy haphazardly throughout the text without any cohesive analysis as to undercut any sustained argument. His cases do not add up to a larger argument that readers could apply to central questions about government and war-making powers today. He could have used his discussion of the Cold War phenomenon of the imperial presidency, for example, to weigh in on whether post-Sept. 11 America will see the kind of long-term buildup of executive branch muscle that the Cold War produced. Instead, he launches into a rather sudden critique of the state of civil liberties under Attorney General John Ashcroft before making another abrupt turn to discuss whether Americans are natural imperialists. (They are not, he concludes.) Later in the book, Schlesinger randomly devotes a chapter to plug an idea that he promoted after the 2000 presidential election: a reform of the electoral college so that the winner of the popular vote wins an additional 102 "bonus" votes. Not that there's anything wrong with that, as Jerry Seinfeld would say, but it doesn't have much to do with presidential war powers, either.

Schlesinger merely dabbles with questions that desperately need his full attention. If preventative war lacks precedent in American history, what made it possible under Bush? Does the Cold War offer any parallels or lessons for the war on al Qaeda, and if so, what are they? What is the future of America's on-again, off-again flirtation with unilateralism? After all, inquiring voters will want to know. But the book which will inform them still needs to be written—and preferably soon.

**Jessica North** is a writer based in Washington, D.C.



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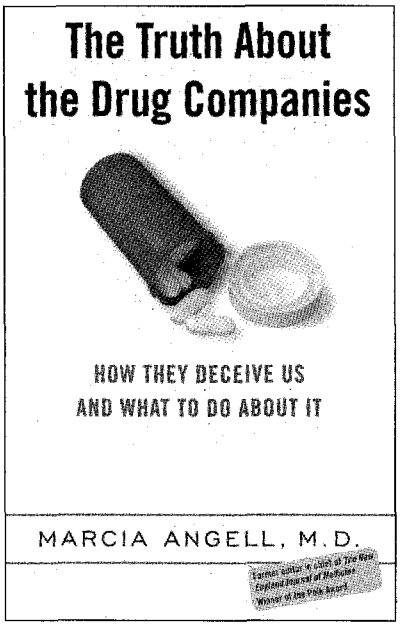
# Trial and Error

## Why we should drive the drug industry out of the clinical test business.

**By Merrill Goozner**

A few years ago, Brooklyn-born Rep. Bernie Sanders (I-Vt.) compared the pharmaceutical industry's large and well-connected lobbying team to the hated New York Yankees. He noted one glaring exception. Unlike the drug lobby, the Yankees occasionally lost.

Are things about to change? The signs are certainly there. First, the Bush administration's deeply-flawed Medicare drug benefit, which passed late last year after an unprecedented all-night session of arm-twisting, has proved unpopular with the public, and especially with seniors, largely because of the give-aways to pharmaceutical companies insisted upon by the GOP. Not only does the bill ban the increasingly popular importation of drugs from Canada, but it also bars the federal government from using its buying power to bargain down the price of drugs (as every other advanced democracy does), thereby ensuring that seniors will pay more for medication than they might otherwise. But more significantly, the rising cost of health care and its damaging consequences—from seniors unable to afford life-extending medicines to companies unable to hire because of rising health-care premiums—is shaping up to be one of the top domestic issues in the current presidential race. And one of the chief reasons for the rising cost of health care is the higher cost of drugs.




**The Truth About the Drug Companies: How They Deceive Us and What To Do About It**
By Marcia Angell
Random House, $24.95

Sen. John Kerry (D-Mass.) is already exploiting the drug angle, bashing the Bush administration for not allowing drugs to be imported from Canada. That attack has clearly hit a raw nerve with the public, which is why there's a chance that bipartisan legislation could be passed this year on this high-profile, if modest, reform.

But that's just one more sideshow on the road to true reform. On the campaign trail, Kerry is talking about everything from rewriting the Medicare drug benefit to fighting the skyrocketing prices of employer-based health insurance by having the federal government pay for employees's catastrophic costs. Should Kerry win, then, the hottest policy book in Washington is likely to be Marcia Angell's *The Truth About the Drug Companies: How They Deceive Us and What To Do About It.*

Angell, a former editor of the *New England Journal of Medicine*, believes that many of the problems with (and much of the unnecessary cost of) our health-care systems derive from a single source: the pharmaceutical industry's role in sponsoring the development of new drugs. She argues that this leads to corruption of the clinicians who conduct research, misleading and sometimes faulty science, and more importantly, a tendency for the industry to dedicate its resources to producing slightly-improved versions of existing drugs which have proven to be profitable, rather than exploring new territory.

Angell proposes to sever entirely the ties that bind clinicians to the drug companies, forbidding the industry from any involvement in the testing of new drugs and handing those functions over to a new branch of the federal government. It's perhaps the boldest call yet for reform. Angell's prescription has some good in it but as well as some overreach. But some reforms—including Angell's more modest ini-



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tiatives—are essential if we're going to stop the health-care system from becoming the whale that ate the economy.

The amount of money Americans spend on drugs each year has tripled in the past decade and is the single largest reason the cost of health care is rising at double-digit rates each year. Industry analysts, like the consultancy IMS Health, project that drug costs will nearly triple again over the coming decade. Once a minor adjunct to improving health, pharmaceuticals today drive every aspect of our health-care system. Where sick people may have once spent weeks in the hospital or undergone expensive surgery, today their inpatient visits may last only days or even hours because new and improved drugs and drug therapies have replaced numerous, once-difficult procedures.

So the complex system that generates new drugs (and to a lesser extent new devices and procedures) is the technological leading edge of medical innovation. The process begins with basic research undertaken by laboratory researchers (mainly working at universities) who aim to understand the biology of a particular disease and to identify the biochemical mechanisms for intervening. These expensive steps are largely funded by taxpayers through the National Institutes of Health.

As this fundamental work yields conclusions published in academic journals, scientists working for both universities and industry try to identify potential therapeutic agents which might help attack a given disease. (When these therapies are found by university or NIH researchers, the university itself or the government usually patents the discovery, and then licenses it to drug companies. When a pharmaceutical manufacturer's scientists discover such an agent, the patent is taken out by the company.) Then industry scientists develop those agents into drugs that can be taken by patients and marketed to physicians and hospitals. The products must then go through a series of

**Once a minor adjunct to improving health, pharmaceuticals today drive every aspect of our health-care system. And the amount of money Americans spend on drugs has tripled in the past decade and is the single largest reason the cost of health care is rising at double-digit rates each year.**

clinical trials mandated by the federal Food and Drug Administration. Drug companies foot most of the bill for the trials, and hire physicians to run them. The law requires the companies to prove only that their drugs are better than placebos. If the FDA agrees that such a drug meets the "better than nothing" benchmark, it grants a license. If not, the money the drug company put into development is lost.

The drug industry argues that its double-digit price increases are necessary to fund the rising costs and uncertain payoff of all this research and testing. But first, it's not industry but government that pays for the most critical research—funding the science and analysis that will enable the drug industry to go after diseases like Alzheimer's, many cancers, and most rare maladies for which there are no cures. Second, while the costs of drugs are going up, the number of truly innovative new drugs approved by the FDA annually have not only failed to rise, but have also fallen precipitously since the mid-1990s. This despite the fact that a decade ago Congress loosened some FDA testing requirements, thus easing industry's ability to bring important new drugs to market quickly.

Pharmaceutical companies excuse their poor performance by arguing that they've already picked all the "low-hanging fruit," i.e. the more obvious, easy-to-find breakthrough drugs, and that it is more expensive than ever to find new ones. Angell offers a different explanation. The industry, she argues, is increasingly devoting its resources not to innovative research but to the pursuit of endless copycat versions of drugs already on the market. Citing a National Institute of Health Care Management study, she points out that more than half of new drugs introduced in the past decade have been deemed insignificant in terms of medical innovation. The steep increase in the costs of pharmaceutical development can be largely attributed to the industry's fixation on me-too drugs for highly lucrative markets. For example, when the generic versions of acid indigestion pills are already 90 percent effective, it costs close to $100 million for a new company trying to horn in on the market to prove the "next generation" antacid is just as good.

Drug industry reformers like Princeton University health-care economist Uwe Reinhardt have proposed creating an independent agency to compare drugs already on the market, a measure that would gently nudge industry away from its current focus on me-too drugs and marketing. Such a change would give doctors the hard evidence, which would enable them to figure out which of a variety of similar drugs actually work best for their patients, and make it harder for pharmaceutical corporations to make me-too drugs profitable through marketing alone.

Angell goes much farther, wanting to drive the drug industry and its subcontractors out of the clinical trial business altogether. "Drug companies should no longer be permitted to control the clinical testing of their own drugs," she writes. "There is too much evidence that this practice biases the research in favor of the sponsor's drug." Indeed, in the January 2003 issue of the *Journal of the American Medical Associa-*



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*tion*, a review of a dozen studies evaluating conflicts of interest in medical research showed that industry-funded analyses of a drug are much more likely to turn out favorable than comparable studies conducted by scientists not funded by the industry.

To counter this effect, Angell would establish a new institute at NIH to conduct prescription-drug trials of all new pharmaceuticals, funded by a new tax on pharmaceutical-company revenues—money which the companies currently spend running their own trials. Industry would then bring its new drug applications to the agency, which would contract with independent researchers to conduct the trials. This would eliminate industry's control over clinical trials, which can often lead to the suppression of negative results. In a nod to Reinhardt's idea, Angell would also have the new agency compare the new drug's effectiveness to existing therapies to determine if it makes a useful contribution to medicine. She would also bar any researcher who takes industry money from participating in the trials.

If we're ever going to get objective evidence from the clinical trial system, the argument for separating these trials from the process in which companies research, design, and manufacture pharmaceuticals makes perfect sense. It would provide researchers with an alternative funding source derived from the tax on industry revenue for their investigation into the potential uses of new and older drugs, and in doing so would restore the economic base for academic medicine which in recent years has increasingly turned to the drug industry for support. (In 1980, drug companies paid 30 percent of the costs of the nation's clinical trials; now they pay 60 percent.)

But in her most ambitious reform—one she calls the most important on her agenda—Angell goes too far. She wants to deny FDA approval to any drug that "offers trivial or no advantages over drugs already available, and may be even worse. Overnight, that reform alone would force the industry to concentrate on innovative drugs instead of me-too drugs."

Such a step would do deep damage to the drug industry: In order to devote the millions of dollars necessary to bring a drug to market, you'd have to be nearly positive that the new pharmaceutical would be better than any existing therapy, a risk executives would almost never take. Even if drug companies were entirely noble, every drug submitted for testing would not surpass existing remedies. That is something only scientific investigation can discover, and a company shouldn't be penalized for seeking the answer.

Reforms on this scale are always difficult. The pharmaceutical companies enjoy a great deal of power, and this Congress and administration have been inclined to loosen regulation of the industry, rather than tighten it. But there is a growing sense in Washington and the country that drug prices have gotten out of control. If that spirit translates into genuine political will in the White House and on Capitol Hill, then Angell's reforms may get a hearing in the places that matter most.

**Merrill Goozner** is the author of *The $800 Million Pill: The Truth Behind The Cost of New Drugs* and director of the Integrity in Science Project at the Center for Science in the Public Interest.


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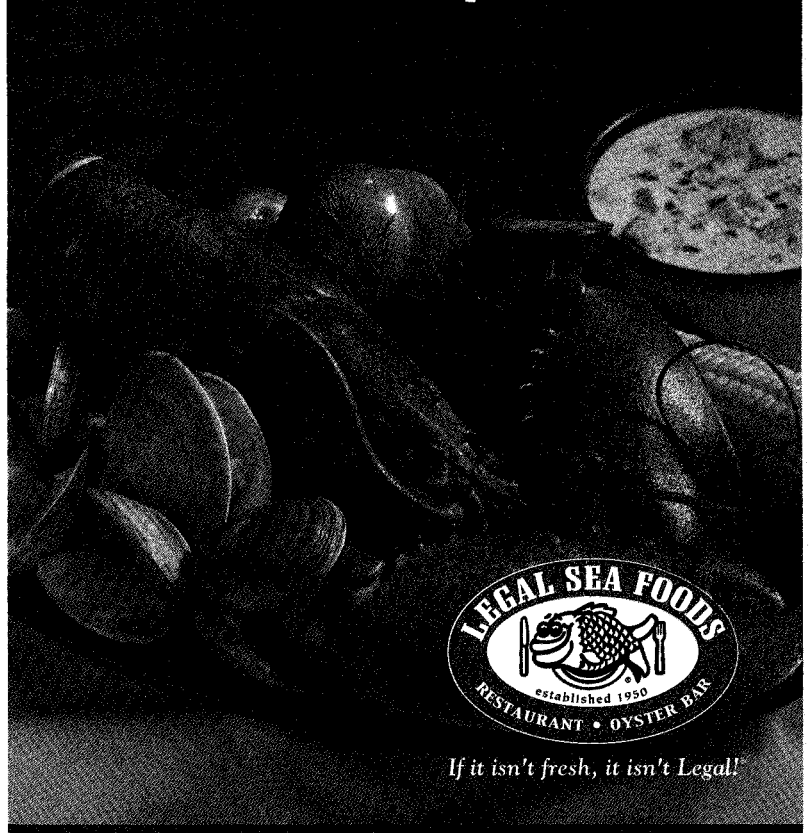


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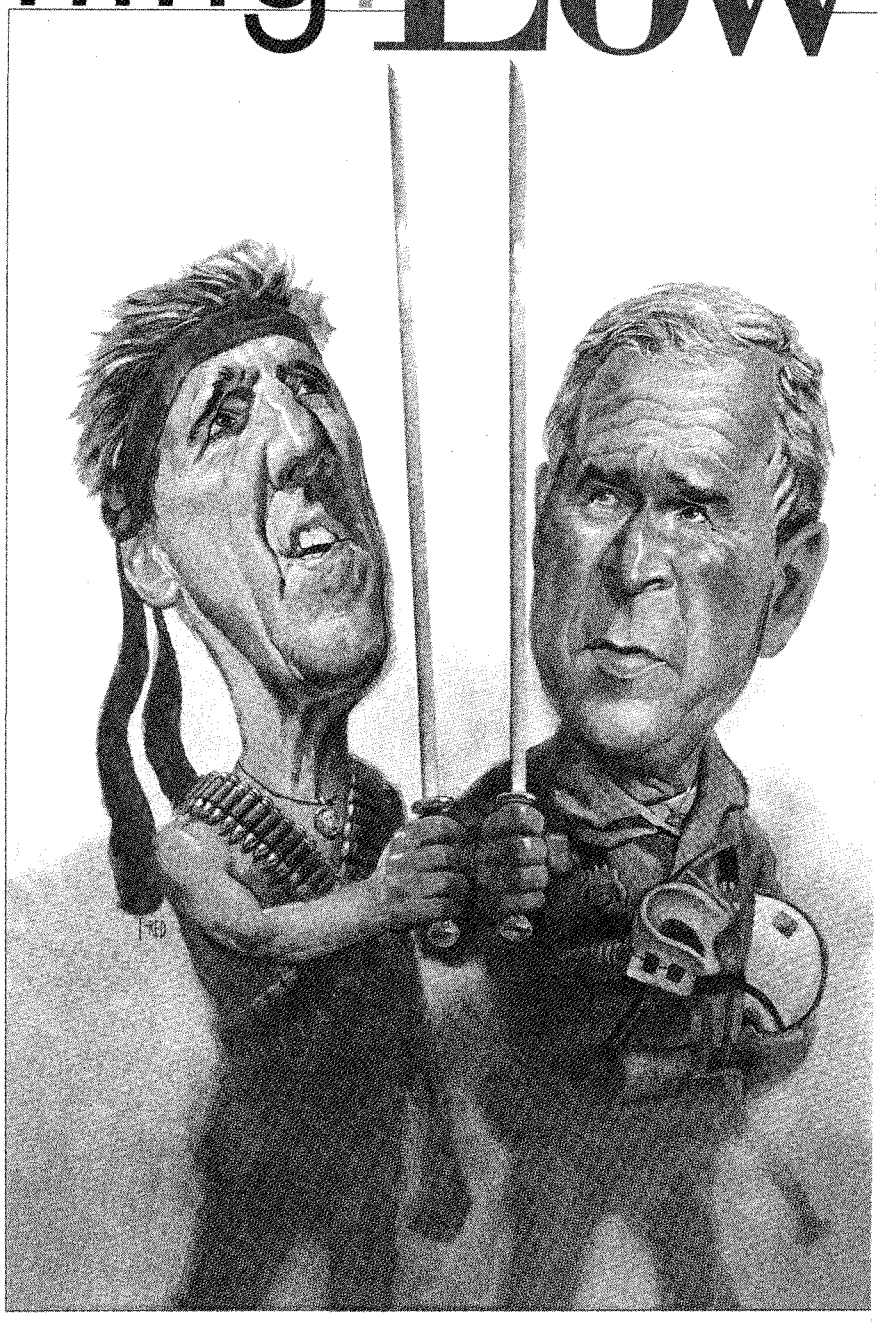
For questions or comments,
please send an e-mail to
John Low at:
**banningandlow@earthlink.net**



Fred Harper's work appears in national journals such as The Washington Monthly, The New York Times, Washington City Paper, Wall Street Journal, Essence Magazine and The Week

## Political Illustration and Cover Art by Fred Harper

October 14 - November 21, 2004

## Reception for the artist and The Washington Monthly

October 14th, 5:30 - 8:30pm

For information, directions and samples of the artist's work for sale go to

**www.BanningAndLow.com**

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